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Monday,
8th August, 1955

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (Inland)
Price Two Shillings (Foreign)

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Acc. No. 25445
Dated 06.02.201

LOK SABHA

Monday, 8th August, 1955

The Lok Sabha met at Eleven of the Clock.

(MR. SPEAKER *in the Chair*].

ORAL ANSWERS TO QUESTIONS

Delhi Suburban Service

***504. Shri Radha Raman**: Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1324 on the 22nd March, 1955 and state:

(a) whether the construction of railway station near West Patel Nagar, Delhi, is being carried out;

(b) whether there is any proposal to construct more such railway stations in Delhi;

(c) if so, where and when; and

(d) whether they will be part of any bigger scheme of a circular rail service round Delhi?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) The construction is not in hand. But there is a proposal to have a railway station near West Patel Nagar which is expected to mature by July, 1956.

(b) No such definite proposals are under immediate consideration.

(c) Does not arise.

(d) The scheme for a circular rail service around Delhi is only in an exploratory stage at present.

Shri Radha Raman: May I know the name of the station which is proposed to be constructed at Patel Nagar, how much it will be cost and by what exact date the Government think it will be in operating condition?

Shri Shahnawaz Khan: I cannot give the exact cost at present because it depends on the price we will have to pay for land but we hope it will be en to traffic by July next year.

Shri Radha Raman: May I know whether that station will be connected with Vinay Nagar and Lajpat Nagar colonies?

Shri Shahnawaz Khan: For the time being we have no definite proposals.

Shri Matthen: In the Delhi Transport buses even the name of the place and number everything is written in Hindi. For the benefit of the people who do not know Hindi, may I ask whether at least the numerals will be written in English also?

Mr. Speaker: That question does not arise out of the main question.

Shri Radha Raman: May I know if the State Government of Delhi has sent in a representation with regard to the early maturity of the circular railway train which is so much needed in Delhi?

Shri Shahnawaz Khan: As I said in my earlier reply, the idea of having a circular railway in Delhi is still in an exploratory stage. We have, however, asked the General Manager of the Northern Railway to carry out a reconnaisance survey and his estimates are expected shortly.

Deep Sea Fishing Station, Bombay

***505. Shri Barman**: Will the Minister of **Food and Agriculture** be pleased to state:

(a) how far the charting of off shore fishing grounds has been completed by the Deep Sea Fishing Station, Bombay;

(b) the extent to which the possibility of deep sea fishing on a commercial scale has been explored so far; and

(c) the quantity of catch since 1952?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Surveys and charting of over 17,000 square mile within 40-fathom line, off Bombay and Saurashtra coasts have been completed.

(b) Private enterprise is already taking up deep sea fishing on commercial lines.

(c) 1005 tons from 1-1-1952 to 25-5-1955.

Shri Barman: May I know whether as a result of this Central enterprise the number of ordinary fishermen has increased or diminished and whether their condition is better off or worse off?

Dr. P. S. Deshmukh : This question refers to deep sea fishing. I do not think any fishermen have been adversely affected.

Shri Barman : Has there ever been any proposal or even an experiment in respect of furnishing the ordinary fishermen with some small boats fitted with engines so that exploitation of deep sea for fising can be done by them ?

Dr. P. S. Deshmukh : Yes; we are trying to do it on a very large scale for shore fishing not deep sea fishing.

Shri Sarangadhar Das : In view of the fact that experiments carried out up to 1953 were not encouraging, have the Government accepted the recommendation of the Estimates Committee in their Sixth Report and negotiated with any maritime State to take over the deep sea fishing station ?

Dr. P. S. Deshmukh : All the recommendations of the Estimates Committee are being dealt with in detail and a statement will be placed before the House. It is rather premature for me to venture a reply.

सरदार ए० एस० सहगल : डीप सी फिशिंग के लिये बम्बई और सौराष्ट्र के किनारों को छोड़ कर और दूसरी जगहों पर भी जो कि समुद्र के किनारे है क्या सरकार इस प्रकार का काय प्रारम्भ करने पर ध्यान दे रही है ?

डा० पी० एस० देशमुख : जी हां, फिलहाल सरकार भी चीन और वैस्ट बंगाल म इस काम पर ध्यान दे रही है, और अगली पंचवर्षीय योजना में बहुत तेजी के साथ इसकी तरफ ध्यान दिया जायेगा ।

Re-sale of Railway Tickets

*506. **Shri D. C. Sharma** : Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 493 on the 30th March 1955 and state the number of prosecutions launched in respect of persons arrested last year in connection with the re-sale of used railway tickets ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : The information is being collected and will be placed on the Table of the House in due course.

Shri D. C. Sharma: May I know in which of the railway zones this disease is most rampant ?

Shri Shahnawaz Khan : If the hon. Member will give me some time, I will give him the information after it is received.

Shri D. C. Sharma: May I know if the hon. Minister is in a position to tell me how many prosecutions of this nature were launched during the previous year ?

Shri Shahnawaz Khan : The House will probably remember that a similar question had been asked by Shri Raghunath Singh on a previous occasion and it had been answered. During the calendar year 1954, 32 arrests were made.

Shri D. C. Sharma : May I know what was the approximate amount involved so far as the re-sale of these tickets was concerned ?

Shri Shahnawaz Khan : The information is being collected.

Uneconomic Purchase of Tractor

*508. **Shri Dabhi** : Will the Minister of **Transport** be pleased to state :

(a) whether it is a fact that a second hand tractor was purchased by an Engineering Division in the North East Frontier Agency at a cost of Rs. 6,388/- in December, 1948 ;

(b) whether it is also a fact that the machine being defective, a sum of Rs. 4,000/- was spent thereon for replacement etc. and even then it could not work ; and

(c) if so, who is responsible for this uneconomic purchase ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) yes.

(b) Before purchase, the machine was inspected and tried by the Mechanical Engineer, Assam Public Works Department who reported that it was as a whole satisfactory. The machine was actually in operation till March 1950 with repairs done from time to time. A sum of Rs. 4,000/- was spent on working of the machine and its repairs.

(c) Does not arise.

Shri Dhabhi: May I know what has become of the machine now ?

Shri Shahnawaz Khan : It has been sold by public auction.

Shri Dhabhi : What was the sum realised ?

Shri Shahnawaz Khan : Rs. 1,500.

दिल्ली परिवहन सेवा

*५०९. **श्री नवल प्रभाकर** : क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली सड़क परिवहन प्राधिकार द्वारा अभी कितनी बसें चलाई जा रही हैं : और

(ख) क्या इस संख्या से प्रथम पचवर्षीय योजना के लिये निर्धारित लक्ष्य पूरा हो जाता है ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां) : (क) ३५२ ।

(ख) योजना के लिये ४०० बसों का लक्ष्य निर्धारित किया गया है । यह आशा की जाती है कि अक्टूबर, १९५५ के अन्त तक यह लक्ष्य पूर्ण रूप से प्राप्त हो जायेगा ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि जो विस्थापित बतिस्यां हैं उन में जो सर्विस अब चल रही है वह अपर्याप्त है, और क्या उस को बढ़ाने की ओर सरकार ध्यान देगी ?

श्री शाहनवाज खां : जी हां, यह सवाल जेरे गौर है ।

श्री नवल प्रभाकर : लेकिन यह कब तक हो सकेगा ?

श्री शाहनवाज खां : जैसे जैसे हमारे पास बसों की तादाद बढ़ती जायेगी यह उसी के साथ साथ होता जायेगा । मैं आनरेबिल मैम्बर को बता दूं कि अगले पांच साल में हमारा इरादा है कि ४६६ और नई बसें रखेंगे, और अगले पांच साल के बाद बसों की तादाद ७३४ हो जायेगी ।

Shri T. B. Vittal Rao : May I know what is the number of fleet required to meet the requirements of the passengers in Delhi ?

Shri Shahnawaz Khan : We hope that by the time we have 734 buses, it will be sufficient to cope with the traffic

Shipping Commission

*510. **Dr. Ram Subhag Singh** : Will the Minister of **Transport** be pleased to state whether Government propose to appoint a Shipping Commission to go into the conditions of Indian shipping and advise Government on the steps to be taken to promote the Indian Shipping Industry ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : There is no such proposal under the consideration of Government.

Dr. Ram Subhag Singh: May I know whether the Government is satisfied with the present condition of the India shipping companies and, if not, what measures are proposed to be taken to improve the situation ?

Shri Alagesan : As far as the development is concerned, there is a plan which has been more or less fulfilled during the first five years. As regards the granting of loans there was a provision for Rs. 23 crores and odd, we have had to go to the Planning Commission for obtaining sanction for a sum of about Rs. 25 crores. That shows that we have been able to fulfil the targets with reference to the granting of loans. As far as tonnage is concerned, the tonnage fixed for the first five years was 6 lakhs tons. Though it would not be possible to reach that tonnage before technically the period of the first Five Year Plan is over, a little later we would be able to reach that tonnage. We have also drawn up plan for the second five year period and that is at present under the consideration of the Planning Commission.

Dr. Ram Subhag Singh : May I know whether the orders placed with the Vizag Shipyard have been complied with in time and, if not, what action is being taken to have these orders complied with in time ?

Shri Alagesan : There have been some delays with reference to the fulfilment of orders that have been placed with the Vizag Shipyard. This is being dealt with by another Ministry and I think they are taking a suitable steps.

Shri Mathew : May I know what is the percentage of our shipping compared to the world shipping ?

Shri Alagesan : Less than 1 per cent.

Shri Raghunath Singh : Is it a fact that our percentage is only half as compared to the world shipping ?

Cholera

*511. **Shri S. C. Samanta** : Will the Minister of **Health** be pleased to state :

(a) whether the study of the endemicity of Cholera by the Indian

Council of Medical Research has been completed;

(b) if so, the steps Government propose to take on their recommendations; and

(c) whether any one connected with the Council was associated with the work of the world survey of endemicity by W.H.O. ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) It has not yet been completed.

(b) Does not arise.

(c) Government have no information on the subject.

Shri S. C. Samanta : May I know why such delays occur in studying this thing ? In 1953 the Government said that the subject was under study. How long will it take to complete the study ?

Shrimati Chandrasekhar : For research work we cannot give a definite time. Two studies were undertaken. The Council first initiated studies to demarcate the areas in India where cholera was prevalent. Having done that, r is now being done in two epidemic areas to ascertain the endemicity of cholera. That work is now being continued and until we get the report, we cannot say when the study will be complete.

Shri S. C. Samanta : The World Health Organisation held an enquiry about the endemicity of cholera and they have made some recommendations about India. I want to know whether the implementation of those recommendations will depend upon the result of the study of the Medical Council ?

Shrimati Chandrasekhar : The question of taking any steps in this matter on the basis of the result of our study does not arise.

Shri N. B. Chowdhury : May I know whether pending completion of the survey, any special measures have been adopted or are proposed to be adopted to combat the menance of cholera in areas from which it is reported ?

Shrimati Chandrasekhar : After this survey is completed. I think we will consider those areas also.

Mr. Speaker : The question is, till the survey is finished, are Government taking any steps in areas where cholera is prevalent ?

Shrimati Chandrasekhar : Wherever cholera is prevalent, steps are being taken now to combat it.

Post-Offices

*512. **Shri Ibrahim** : Will the Minister of **Communications** be pleased to state the number of villages having a population of over 2,000 but not provided with Post Office after the 31st March, 1955 ?

The Deputy Minister of Communications (Shri Raj Bahadur) A statement is laid on the Table of the Sabha. [*See* Appendix IV, annexure No. 1].

Shri N. M. Lingam : May I know what action Government proposes to take in the case of villages where the population is slightly less than 2000 according to the last census ? May I also know the year with reference to which population is taken into consideration for purposes of opening post offices ?

Shri Raj Bahadur : The population is taken as given in the 1951 census. So far as border line cases are concerned, they are mostly covered by the group system, by which for all groups of villages with a population of 2000 or over, and situated within a radius of two miles, p offices have been opened.

प्रबल सिह : उत्तर प्रदेश में ऐसे दो हजार की ग्राबादी वाले गांव कितने हैं जहां कि पोस्ट ग्राफिसेज नहीं खुले हैं ?

श्री राज बहादुर : उत्तर प्रदेश का तो ऐसा सौभाग्य है कि एक गांव भी ऐसा नहीं है जिस की ग्राबादी दो हजार की हो ग्रौर जिस में डाकखाना न हो ।

Shri C. R. Chowdary : May I know whether in villages with a population of 2000, post offices are not provided on the ground that the expected return will not be available ?

Shri Raj Bahadur : Will the hon. Member repeat the question ?

Mr. Speaker : The hon. Member wants to know whether post offices are not located in villages with a population of 2000 on the ground that the yield will not be as expected.

Shri Raj Bahadur : Yes, Sir, we have fixed certain permissible limits of loss, which the department would bear while opening a post office. The number of such places where post offices have not been opened because the loss in opening them was beyond the prescribed limits, is 22 all over the country. The limit of loss for certain areas is Rs. 750 and in certain other areas it is Rs. 1000. If the computed loss goes beyond these figures, the post offices cannot be ordinarily opened.

Central Tractor Organisation

*513. **Shri Bishwa Nath Roy:** Will the Minister of **Food and Agriculture** be pleased to refer to the replies given to Starred Question No. 2669 on the 28th April, 1955 and state the steps taken to augment the strength of the Central Tractor Organisation with a view to increasing its work and activities during the Second Five Year Plan?

The Minister of Agriculture (Dr. P. S. Deshmukh): The Second Five Year Plan is now under consideration inconsultation with the State Governments and as soon as the details are finalised, action to augment the strength of C.T.O. will be taken, if necessary.

Shri Bishwa Nath Roy: : May I know whether the target fixed for the First Five Year Plan has been attained?

Dr. P. S. Deshmukh: It has been far exceeded.

श्री विभूति मिश्र : क्या सरकार इस का ध्यान रखेगी कि आगे से प्रत्येक स्टेट में जो ट्रैक्टर्स दिये जायें, तो वह ट्रैक्टर गरीबों को और कम रकबे की खेती करने वालों को दिये जायें और बड़े बड़े लोगों और धनिकों को न दिये जायें ?

डा० पी० एस० देशमुख : यह सवाल सी० टी० ओ० की निस्बत है, ट्रैक्टर्स के सम्बन्ध में हमारी क्या पालिसी होनी चाहिये उस के सम्बन्ध में नहीं है ।

Shri N. M. Lingam: May I know the nature and the extent of the State participation in co-operatives in the next Five-Year Plan?

Dr. P. S. Deshmukh: I would state that it does not arise out of this question, however important it may be.

Dr. Suresh Chandra: May I know whether the recommendations of the Estimates Committee regarding the working of the C.T.O. have been implemented so far?

Dr. P. S. Deshmukh: There are still under the consideration and such of them as were reasonable and acceptable are being given effect to.

Shri S. S. *More*: That means that there are unreasonable suggestions also.

Conference on Co-operation

*514. **Shri Bibhuti Mishra:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the decisions taken at the State Ministers' Conference on Co-operation held on the 16th April, 1955; and

(b) which of those decisions have been implemented so far?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). A statement is placed on the Table of the Sabha. [*See* Appendix IV, annexure No. 2].

श्री विभूति मिश्र : मैं यह जानना चाहता हूं कि अब तक कोआपरेटिव सोसाइटियों का जो अनुभव है उस को देखते हुए सरकार आगे कोआपरेटिव सोसाइटियों को प्रगतिशील बनाने के लिये कोई योजना बना रही है ?

डा० पी० एस० देशमुख : जी हां । मुझे खेद है कि बिहार के सभी सदस्य अपने सूबे की कोआपरेटिव की बदनामी यहां पर करते रहे हैं । उन्हें उसकी कार्यवाही से संतोष नहीं है, यह मैं जान चुका हूं, पर हम कोशिश करते हैं कि हर जगह कोआपरेटिव के जरिये काम हो और ठीक तरीके से काम हो ।

श्री विभूति मिश्र : मैं यह जानना चाहता हूं कि क्या सरकार सारे देश की कोआपरेटिव सोसाइटियों की जांच कर के कोई कांस्ट्रक्टिव कदम उठायेगी ?

डा० पी० एस० देशमुख : जी हां, इस के सम्बन्ध में सेन्ट्रल गवर्नमेंट ने अभी तय किया है और इसके लिये एक बिल भी आने वाला है और मैं समझता हूं कि उस के बाद काफी तरक्की इस चीज में होगी ।

श्री विभूति मिश्र : जब तक उस की तरक्की हो, तब तक के लिये सरकार क्या कुछ एसा इन्तजाम करेगी कि गांव वालों को कोआपरेटिव सोसाइटियों के मार्फत खाद, बीज और दूसरी आवश्यक चीजें सुविधा से मिल सकें ?

डा० पी० एस० देशमुख : हमारी तो कोशिश यही रहती है, मगर स्टेट गवर्नमेंट्स कभी कभी इन चीजों को पसन्द नहीं करतीं, क्योंकि जैसा कि ग्रानरेबुल मेम्बर ने बयान किया कि कहीं कहीं उन का ग्रनुभव कुछ ग्रलग ग्राता है, तो फिर वह कोग्रापरेटिव के जरिये से उस का डिस्ट्रिब्यूशन नहीं करातीं हैं ग्रौर ग्रौर लोगों से कराती हैं ।

रेल दुर्घटना

***५१६. श्री रघुनाथ सिंह** : क्या रेलवे मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १३ ग्रप्रैल १९५५ को ६ बजकर २० मिनट पर पूर्वोत्तर रेलवे के कुढ़नी तथा तुर्की स्टेशनों के बीच मालगाड़ी के २१ डिब्बे पुल से नीचे नदी में गिर गये थे; ग्रौर

(ख) यदि हां, तो दुर्घटना का क्या कारण था ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): (क) १३-४-१९५५ को शाम के लगभग ६ बजकर २० मिनट पर जब ९५४ डाउन एक्प्रेस माल गाड़ी पूर्वोत्तर रेलवे के सोनपुर—समस्तीपुर सेक्शन के कुढ़नी ग्रौर तुर्की स्टेशनों के बीच जा रही थी, पुल नं० २३ के पास २१/२० मील के दर्मियान उस के १३ डिब्बे न कि २१ डिब्बे जैसा कि सवाल में कहा गया है पटरी से उतर कर उलट गये। इन में से कोई डिब्बा नदी में नहीं गिरा, जैसे सवाल में कहा गया है ।

(ख) रेलवे ग्रफसरों की एक कमेटी ने इस घटना की जांच की थी । कमेटी का कहना है कि तेज ग्रांधी के कारण गाड़ी के डिब्बे पटरी से उतर गये ।

श्री रघुनाथ सिंह : क्या मैं जान सकता हूं कि ऐसी बातें ग्रधिक नार्थ इस्टर्न रेलवे में ही क्यों हुग्रा करती हैं ? हर महीने इस प्रकार की घटनायें होती हैं ।

श्री शाहनवाज खां : शायद तेज ग्रांधी वहां बहुत ज्यादा ग्राती है ।

Co-operative Societies

***519. Shri K. P. Sinha** : Will the Minister of **Railways** be pleased to state:

(a) the total number of Co-operative Consumers' Societies and Co-operative Credit Societies and Banks functioning as on the 31st May, 1955; and

(b) the total amount spent thereon by the Railways?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) (i) Consumer Co-operative Societies 73.

(ii) Co-operative Credit Societies/Banks 31.

(b) Rs. 93,310-4-9.

Shri K. P. Sinha: May I know the total cost of the administration and establishment charges of these societies, and how far they have given help?

The Deputy Minister of Railways and Transport (Shri Alagesan): We have got a special officer in the Board. In addition to that, we have appointed six Inspectors on the Railways. I do not have the total cost of establishment charges.

Shri K. P. Sinha: May I know if there is any provision for giving interest-free loans to the societies?

Shri Alagesan : No Sir.

Shri Bishwa Nath Roy: May I know whether any of the co-operative societies concerning railways have undertaken any work on the railways instead of a contractor ?

Shri Alagesan: These are consumer societies are credit societies. These are not doing any work on the railways.

Shipping

***520. Shri Nanadas:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that Indian ships are not allowed to carry cargo from or load cargo for ports in Scandinavia;

(b) whether Scandinavian ships are allowed free use of Indian ports;

(c) if the answer to parts (a) and (b) be in the affirmative the reasons for this discriminatory treatment meted out to the Indian Shipping Companies; and

(d) the steps Government propose to take in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (d). The question raises two distinct issues:

(i) use of port facilities; and

(ii) the right to load and unload cargo.

So far as port facilities are concerned, the position is that at Indian ports, these facilities are made available for ships of all nationalities without discrimination and there is no reason to believe that the position at Scandinavian ports is any different in this respect.

So far as the carrying of cargo is concerned, it is true that Indian ships do not visit Scandinavian ports for loading and/or unloading of cargo but this is due to an understanding among the member Lines of the India-U.K.-Continent Conference under which the Scandinavian trade on this route is catered for by Scandinavian ships only.

It is understood that the Indian Lines have started negotiations with the shipping interest concerned for a revision of this arrangement. The question of the Government of India intervening in the matter does not, therefore, arise for the present.

Carp Fishery

***521. Shri V. P. Nayar:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have formulated any plans for improving the yield of Carp Fishery; and

(b) the total yearly yield of carps in India during the last five years?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, for the development of inland fisheries which relate mostly to carps.

(b) No information is available.

Shri V. P. Nayar: May I know whether the Government of India have sent any of their officers of fishery experts to any foreign countries to study in detail the working of carp culture?

Dr. P. S. Deshmukh: I would like to have notice of the question.

Shri V. P. Nayar: May I know whether there is any scheme for extensive use of artificial fish-rearing in the next Five Year Plan?

Dr. P. S. Deshmukh: Yes. It is present in the present Five Year Plan and will be incorporated in the second Five Year Plan.

Shri V. P. Nayar: May I also know whether the Government are aware that by the artificial raising of fish, especially the carp fish, fish production,—especially of the fresh water type can be increased considerably within a short time?

Dr. P. S. Deshmukh: In some instances, yes.

अतिरिक्त विभागीय डाकघर

५२२. श्री भक्त दर्शन: क्या संचार मंत्री १६ अप्रैल, १९५५ को दिये गये अतारांकित प्रश्न संख्या ८३८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उस के बाद कितने अतिरिक्त विभागीय डाकघरों को विभागीय डाकघर बनाया गया है ;

(ख) १५ अगस्त, १९४७ से अब तक प्रत्येक सर्किल में इस प्रकार कितने डाकघर परिवर्तित किये गये हैं ; और

(ग) अतिरिक्त विभागीय डाकघरों को धीरे धीरे विभागीय डाकघरों में परिवर्तन करने के लिये क्या कार्यवाही की गई है ?

संचार उपमंत्री (श्री राजबहादुर) : (क) १-१-५५ से ३०-६-५५ तक . . . १०७.

(ख) एक विवरण-पत्र जिसमें मांगी हुई जानकारी दी गई है, सभा-पटल पर रखा जाता है [**देखिये** परिशिष्ट ४ अनुबन्ध संख्या ३]

(ग) अतिरिक्त विभागीय शाखा डाकघर और उप-डाकघर (Extra Departmental Branch and Sub-post office.) साधारणतया विभागीय डाकघरों में तब परिणत होते हैं जब कि कार्यभार पांच घंटे से अधिक का होता है और जब ये प्रस्ताव

विभागीय नियमों के अनुसार जांच किये जाते हैं ।

श्री भक्त दर्शन : इस विवरण से ज्ञात होता है कि अब तक पिछले आठ वर्षों में केवल ६२६ डाकघरों को विभागीय बनाया गया है, जब कि मैं समझता हूं कि हमारे देश के अन्दर लगभग ३५ या ४० हजार ऐसे डाकघर हैं । मैं जानना चाहता हूं कि इस शिथिलता का क्या कारण है कौन सी कठिनाइयां हैं जिन की वजह से इन डाकघरों को विभागीय नहीं बनाया जा सका ?

श्री राजबहादुर : क्योंकि उनमें हमको आवश्यक ट्रैफिक नहीं प्राप्त होता है । जहां आवश्यक ट्रैफिक प्राप्त नहीं होता है और जब तक काम पांच घंटे से अधिक का नहीं हो जाता उस समय पतक यह विभागीय डाकघर नहीं बनाये जायें ।

श्री भक्त दर्शन : इस विवरण से यह भी ज्ञात होता है कि जब कि किसी सर्किल में २७२ और किसी में १०६ डाकघरों को विभागीय बनाया गया है तो कहीं पर केवल ४ या ८ को विभागीय बनाया गया है । इस अन्तर का कारण क्या है ?

श्री राज बहादुर : यह तो मामूली हिसाब का सवाल है । अगर किसी डाकघर में पर्याप्त ट्रैफिक प्राप्त है और वहां काम पांच घंटे से अधिक का हो चुका है तो वहां हो जायेगा, और अगर नहीं है तो नहीं होगा ।

श्री भक्त दर्शन : क्या सरकार के ध्यान में यह बात भी आई है कि जो अतिरिक्त विभागीय डाकघरों में कर्मचारी हटाये जाते हैं उनको कोई नोटिस इस बात के लिये नहीं दिया जाता कि फलां तारीख से उनका काम खत्म होने वाला है और क्या इस बात का प्रयत्न किया गया है कि उन्हें अधिक से अधिक विभागीय डाकघरों में लिया जाये और उन्हें डाक विभाग का कर्मचारी माना जाये ?

श्री राजबहादुर : मेरे ख्याल से यह बात लागू नहीं होती क्योंकि किसी अतिरिक्त विभागीय डाकघर को विभागीय डाकघर में परिणत करने के पहले काम की जांच होती है, लिखा पढ़ी होती है, आंकड़े एकत्रित किये जाते हैं, और महीनों तक कार्यवाही होती है, और जब यह कार्यवाही हो जाती है और अच्छी तरह से यह यकीन हो जाता है कि फलां अतिरिक्त विभागीय डाकघर विभागीय डाकघर में परिणत करने के योग्य है तब उन को किया जाता है ।

श्री विभूति मिश्र : अतिरिक्त विभागीय डाकघरों में अगर योग्य व्यक्ति हो और यह मान लिया गया हो कि उनका काम सन्तोषप्रद रहा है, तो क्या उनको विभागीय डाकघरों में लेने के लिये कोई विधान बनाया गया है ?

श्री राजबहादुर : अतिरिक्त विभागीय डाकघरों के जो कर्मचारी हैं उनको भत्ता मिलता है, वह पूरे सरकारी कर्मचारी नहीं होते है ।

संचार मंत्री (श्री जगजीवन राम) : मैं बता दूं । प्रश्न यह था कि डाकघर के विभागीय हो जाने के बाद वहीं के कर्मचारियों को विभाग में लिये जाने की कोई रियायत है या नहीं । उनको दो तीन रियायत हैं । एक रियायत तो यह है कि उनकी उम्र अगर अधिक भी हो तो भी वह उनके लिये अयोग्यता नहीं होती, इस के लिये उनको रिलक्सेशन दिया जाता है, दूसरे यह कि जब वह दूसरों के मुकाबले में कम्पिटीशन में आते हैं तो उन के अनुभव के लिये १५ मार्क्स् का बोनस दिया जाता है ।

Tourism

*526. **Shri Hem Raj:** Will the Minister of Transport be pleased to state which of the recommendations of the Central Tourist Advisory Committee for the development of Tourist Industry in India have been accepted by Government and implemented so far?

The Deputy Minister of Railways and Transport (Shri Alagesan): A statement showing the recommendations of the Central Tourist Traffic Advisory

Committee made at its last meeting held on the 20th April, 1955, and the action taken thereon by Government is placed on the Table of the Sabha. [*See* Appendix IV, annexure No. 4].

श्री हेम राज : क्या मैं जान सकता हूं कि द्वितीय पंच वर्षीय योजना के अन्तर्गत पवतीय क्षेत्रों में कोई स्थान मध्यम वर्ग के लोगों के पर्यंटन के लिये निश्चित किए गये हैं, और यदि हैं तो कहां कहां ?

Shri Alagesan: I think the hon. Member wants to know what arrangements we are making with reference to the low income groups, with regard to tourist facilities.

Mr. Speaker: Yes.

Shri Alagesan: We have got a big scheme for constructing youth hostels in many places of tourist interest. That is included in the Second Plan which is at present under consideration.

श्री भक्त दर्शन : जो विवरण सभा पटल पर रखा गया है उस से पता चलता है कि पहले पर्यंटन उद्योग के विकास के लिये एक छः वर्षीय योजना बनाई गई थी और अब केवल पंचवर्षीय योजना बनाने जा रहे हैं और इस वर्ष केवल बोद्ध तीर्थ स्थानों का विकास करने का ही प्रयत्न किया जा रहा है, क्या मैं इसका कारण जान सकता हूं ।

Shri Alagesan: There is not much difference. When a six year plan was prepared the Planning Commission thought that it would be better to prepare only a five year plan but they have approved in the meanwhile works that will be carried out during the current year. So, there is not much difference between the two.

Dr. Suresh Chandra: How many times does this committee meet in a year, and if it meets only once a year, what is the reason for the same?

Shri Alagesan: At present it is thought that it would be enough if it meets once a year. If the activities still further increase we can have even more frequent meetings. We also have an idea of reconstituting this Committee.

Dr. Rama Rao: May I know why in all these advisory committee recommendations and in the considerations of the Government the famous Budhist University and archaeological centres in Andhra at Amaravati and Nagarjunakunda do not come into the picture at all, and why not steps are taken to develop tourist industry there?

Shri Alagesan: We would like to develop Amaravati.

Steam Boat Service from Laccadives

*527. **Shri T. B. Vittal Rao:** Will the Minister of **Transport** be pleased to refer to the reply given to Starred Question No. 1125 on the 17th March 1955 and state:

(a) whether any final decision on the direct steamer service between the mainland and the Laccadive Islands has since been taken by Government; and

(b) if so, from what date the service is proposed to be started?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). The matter is still under consideration.

Shri T. B. Vittal Rao: May I know whether any request has been received from the Madras Government to run such a service? If so, when was such a request made to the Central Government?

Shri Alagesan: The Madras Government appointed an officer to submit a report on various questions relating to the development of these islands. That was submitted long ago, namely, in 1952. The Governor also subsequently visited these islands and he has also made certain recommendations. We have asked the Madras Government to explore the possibility of coming to an arrangement with any of the shipping companies so that they can start the service. These islands are administered by the Madras Government. They did hold some discussions with a particular company, but they were not able to find the money nor give the guarantee that the company asked. So, they wanted Central aid, which is under consideration now with the Planning Commission.

Shri T. B. Vittal Rao: In view of the fact that the people who want to go to Laccadive Islands from Madras find it very difficult, may I know when a decision in this matter is likely to be reached, particularly in view of the fact that the whole question has been hanging fire for the last three years.

Shri Alagesan: It is true, but the population of the island is not much. It is only 25,000. A regular shipping service to these Islands can be had only during the non-monsoon months, but that is not paying. So, this question of subsidy arises. I think it should be possible to decide this question before long.

Shri T. B. Vittal Rao: From the Deputy Minister's answer I understand that there is going to be a loss if a service is introduced. May I know what is the estimated loss that would be incurred by the Government if such a service is run?

Shri Alagesan: I do not think it will exceed a lakh and a half rupees.

Mr. Speaker: Per year?

Shri Alagesan: Per year.

Shri Matthen: May I know if the hon. Minister is aware of the inadequacy of the service to the Andaman and Nicobar Islands? Even the hon. Member finds it difficult to come over here.

Mr. Speaker: I think the question is a different one.

Shri Alagesan: The question does not relate to this. It relates to the islands on the Western sea.

Tata Memorial Hospital, Bombay

*528. **Dr. Rama Rao:** Will the Minister of **Health** be pleased to state whether Government propose to take over the Tata Memorial Hospital at Bombay?

The Deputy Minister of Health (Shrimati Chandrasekhar) : The proposal is, at present, under consideration.

Dr. Rama Rao: May I know if the proposal is to pay about Rs. 44½ lakhs to acquire this hospital, and if so, may I know why, when the Government is hard-pressed to find money for urgent purposes like T.B. sanatoria and for fighting malaria and other diseases, they should spend such a huge amount on a hospital which has an all-India reputation, a reputation which is by no means second to that of any Government institution?

Shrimati Chandrasekhar: All this will be considered only after the Second Five Year Plan has been finalised.

Dr. Rama Rao: It is reported that Government wants to acquire this hospital at this cost so that it can develop this wing and co-ordinate the research section which is now owned by the Government with the activities of this hospital. May I know what are the difficulties we are finding for the purposes of co-existence there?

Shrimati Chandrasekhar: If it is a simpler question I can understand, Sir.

Mr. Speaker: The idea of taking over arises because Government wants to co-ordinate the efforts of Government with private efforts. Why can't they co-exist? Why do they want to acquire this?

Shrimati Chandrasekhar: The report of the Upgrading Committee was to take up this hospital because the Indian cancer research work is dependent on this particular hospital. That is why the proposal is now under consideration and has been included in the Second Five Year Plan, but unless that is finalised, we cannot say anything further. The amount that the hon. Member mentions is only a tentative proposal and it will be finalised only after the second Five Year Plan is completely finalised.

"Grow More Food" Campaign

*529. **Shri B. K. Das:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount sanctioned so far to the various States for the "Grow More Food" schemes during the year 1955-56; and

(b) the nature of the schemes for which it has been sanctioned?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). A statement is placed on the Table of the Sabha. [*See* Appendix IV, annexure No. 5.]

Shri B. K. Das: The total amount sanctioned for 1954-55 was more than Rs. 35 crores. May I know why this year the amount is so much less?

Dr. P. S. Deshmukh: Yes, Sir. The total amount provided for in the budget for 1955-56 is Rs. 35·57 crores which includes a sum of Rs. 10 crores as short-term loans for fertilisers and seeds schemes.

Shri B. K. Das: What will be the total contribution by the States towards the implementation of these schemes?

Dr. P. S. Deshmukh: They have to contribute a portion of the money which we give them as grants. Wherever there is a grant, 12½ per cent out of the whole scheme has to be contributed by the State Government, and we contribute 12½ per cent. Otherwise, these are loans, and most of the money goes from the Centre and that is spent on the various items.

Shri B. K. Das: What is the increase in production expected from these schemes?

Dr. P. S. Deshmukh: For 1955-56 I have not got the figure, but for 1954-55 the target was 9.8 lakh tons.

Shri Kamath : Is it a fact that in spite of the expenditure of so much money and effort on this Grow More Food Campaign during the last few years, there has been a progressive diversion of arable land from food crops to cash crops?

Dr. P. S. Deshmukh : These two things have hardly any relationship. Loans for Grow More Food and some arable land going out of use for that purpose have hardly any relationship because these are specific schemes, and all the money that is sanctioned is spent on specified areas, specified lands and particular items.

Shri Sarangadhar Das : May I know if the Food and Agriculture Ministry has any agency to evaluate the results ?

Dr. P. S. Deshmukh : We have no agency. We depend upon the State Governments. But, I would like the House to realise that we are not giving grants on the same scale as we used to do a few years back, and most of the money that we give is by way of loans. There is now very little temptation to misuse the loans or not to do the things properly.

Rice-Stocks

***530. Shri Eswara Reddi** : Will the Minister of **Food and Agriculture** be pleased to state the loss incurred by Government in reconditioning the stocks of rice stored at Quilon recently?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) : No stocks have been reconditioned by the Government of India in Quilon. The State Government, however, have been cleaning certain stocks of rice for delivery to the Centre.

Shri Eswara Reddi : May I know whether these stocks have been lying there since the last three years?

Shri M. V. Krishnappa : At Quilon the Travancore-Cochin Government had about 9,700 tons of rice. It was from various sources and it was sufficiently old. When we were asked to take this over, we insisted that they should be cleaned and given, and they are being cleaned.

Shri V. P. Nayar : May I know whether it is a fact that about 12 to 15 per cent of the rice cleaned is mere powder?

Shri M. V. Krishnappa : They say that after reconditioning about one- third of the existing rice, they will have to incur a loss of about 2 to 3 per cent.

Shri V. P. Nayar : May I know wheher the Government of India have investigated the reasons for these 7,000 and odd tons of rice being spoilt?

Shri M. V. Krishnappa : It is not spoilt. It was the rice meant for rationing purposes in Quilon. It is a big town, and when rationing was being done in that city under controls, they had 10,000 tons of rice.

Shri U. M. Trivedi : Does the hon. Minister want to say that rice meant for rationing purposes need not be fit for human beings?

Shri M. V. Krishnappa : I do not know whether the hon. Member has understood me properly or not. I meant that they had about 10,000 tons of rice for issuing to the depots. We have now agreed to take that over, and they are cleaning it and giving it to us.

Food Production

***531. Shri Ram Shankar Lal** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the increase in the country's food production due to "Grow More Food" Schemes during the years 1953-54 and 1954-55; and

(b) the amount spent on the "Grow More Food" Campaign during the above period?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) The increase in the country's food production due to Grow More Food Scheme during the year 1953-54 was of the order of 7,21,569 tons over the base figure of 1952-53. The target for additional production during 1954-55 was 12,74,379 tons. The figures of actual achievement have, however, not been received so far.

(b) The amount spent on the Grow More Food Campaign during the year 1953-54 was Rs, 20,29,17,000. During 1954-55 the amount sanctioned by the Government of India for the purpose was Rs. 33,37,17,000. The actual figures of expenditure are, however, not known yet.

Shri N. B. Chowdhury : May I know the reason for reducing the proportion of Central grants in respect of the individual 'Grow More Food' schemes? May I also know the percentage of reduction?

Dr. P. S. Deshmukh : That was the Government's decision which was accepted by the State Governments also.

Shri Nanadas : May I know the gross increase in the country's foodgrains during 1953-54 and 1954-55?

Dr. P. S. Deshmukh : The gross increase goes to several millions of tons, which includes of course the results of our other campaigns and so on. I have not got the figures just now, but the figure of 1953-54 was to the extent of 5½ million tons more than that of 1952-53 and we will maintain the target for the year 1954-55 also.

Employees' State Health Insurance Scheme

*536. **Shri M. Islamuddin :** Will the Minister of **Labour** be pleased to state :

(a) whether it is a fact that Government propose to extend the benefits of the Employees' State Health Insurance Scheme to the families of the workers coming under the Scheme; and

(b) if so, when it will be enforced ?

The Deputy Minister of Labour (Shri Abid Ali) : (a) and (b). The question of extending the benefits of the Employees' State Insurance Scheme to the families of insured workers is being examined by the Employee's State Insurance Corporation.

Forced Landings

*537. **Shri Ram Dass :** Will the Minister of **Communications** be pleased to state :

(a) the total number of forced landings in which Indian Airlines Corporation planes were involved during 1954-55 up to the 30th June 1955;

(b) the number of safe landings ; and

(c) the extent of damage caused to human life and property in these forced landings ?

The Deputy Ministry of Communi: cations (Shri Raj Bahadur) : (a) 21.

(b) All forced landings were executed safely.

(c) No one was killed nor any injury caused to any one as a result of the forced landings. No damage was caused to property either, except in one case where the aircraft was damaged due to collapsing of the under-carriage.

श्री राम दास : क्या मैं जान सकता हूं कि जो हादसे हुयें, उनमें से कितनों के लियें कोई मकेनिकल डिफेक्ट जिम्मेदार थे ?

श्री राजबहादुर : जी हां, लगभग पंद्रह हादसों के लियें मैकेनिकल डिफेक्ट्स जिम्मेदार थें ।

श्री राम दास : क्या मैं जान सकता हूं कि क्या अब गवर्नमेंट ने कोई ज्यादा एहतियात बरतने की तजवीज बनाई है, जिससे इस किस्म के हादसे आगे न हो सकें ?

श्री राजबहादुर : एहतियात तो जितनी मुमकिन होती है, वह हमेशा ली जाती है । फिर भी कभी-कभी मैकेनिकल और दूसरे कारणों से फोर्स्ड लैंडिंग्ज हो जाती है ।

श्री रघुनाथ सिंह : कल भी एक हो गया ।

संचार मंत्री (श्री जगजीवन राम) : वह मैकेनिकल डिफेक्ट की वजह से नहीं हुआ ।

Dysentery Epidemic in Agartala

*538. **Shri Biren Dutt :** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that dysentery epidemic is prevalent in Agartala, Tripura since June , 1955;

(b) whether it is due to contaminated tube-well water; and

(c) if so, the steps Government propose to take in the matter ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) No.

(b) and (c). Do not arise.

Shri Biren Dutt : May I know whether Government have seen the report in the press to the effect that five children have died on account of this dysentery ?

Shrimati Chandrasekhar : I have no information.

Shri V. P. Nayar : The hon. Minister replied that there was no incidence of dysentery. May I know the agency through which the enquiry was made ?

Shrimati Chandrasekhar : I did not say there was no incidence of dysentery. I said there was no epidemic incidence of dysentery. The information that we have obtained is from the Chief Commissioner of Agartala.

Integral Coach Factory

*540. **Shri M. S. Gurupadaswamy :** Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that an industrial housing scheme has been prepared for the workers of the Integral Coach Factory, Perambur;

(b) if so, the main points of the scheme; and

(c) the estimated cost of the project?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) No, Sir.

(b) and (c). Do not arise.

Shri M. S. Gurupadaswamy : May I know the present arrangements for the housing of the workers who are working in the factory now ?

Shri Alagesan : We have already built 400 houses, 200 for class IV staff and 200 for class III staff; and this covers roughly 10 per cent of the ultimate number of workers that will be employed in the factory, namely 4000.

Shri M. S. Gurupadaswamy : May I fknow whether all the workers working in the factory are provided with housing facilities?

Shri Alagesan : No, they live in the nearby towns.

Shri M. S. Gurupadaswamy : May I know whether any representation has been made by the workers to the effect that steps should be taken by Government to construct houses for them and that they may be given money on instalment basis?

Shri Alagesan : We have had no such representation, but it is understood that some of the staff employed in the new Perambur factory are trying to construct houses on a co-operative basis.

Shri Kamath : Is there no proposal before Government either at present or as a part of the Second Five Year Plan for an integrated housing scheme for these workers on a national scale?

Shri Alagesan : Yes, as far as the railways are concerned, we are building quarters on a larger scale, and the number of quarters that we are building is also going up year by year.

Shri Kamath : Is there no integrated plan before Government either at present oras part of the Second Five Year Plan?

Shri Alagesan : As far as we are concerned, we have a plan.

Agricultural College in Punjab

*542. **Shri D. C. Sharma :** Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether the Government of Punjab has approached the Central Government for financial aid for the opening of an Agricultural College in the State; and

(b) If so, the decision taken in the matter?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Yes. The Government of Punjab had aksed for a grant for rehabilitating their Agricultural College.

(b) It has been decided to give financial assistance from the Centre for the strengthening of the Agricultural College at Ludhiana. The Centre will meet 75 per cent of the non-recurring expenditure and the State Government will meet the balance of 25 per cent of non-recurring expenditure and entire recurring expenditure.

Shri D. C. Sharma : May I know whether the Government of the Punjab have not submitted any proposal to the Ministry for the establishment of another agricultural college in the Punjab ?

Dr. P. S. Deshmukh : Not to my knowledge subject to correction.

Shri D. C. Sharma : May I know what the target in regard to opening agricultural colleges in India is during the first Five Year Plan, and what is the target State-wise?

Dr. P. S. Deshmukh : I have not got the details. But we have examined the whole position and the need for agricultural colleges in the country including the requirements of the Second Five Year Plan, and we have worked out some of these schemes according to that.

Shri D. C. Sharma : May I know if a scheme has also been prepared to see how these agriculture graduates are going to be absorbed into the agricultural or social economy of our country?

Dr. P. S. Deshmukh : Yes. Our requirements are based on specific schemes and the requirements of personnel for the execution of those schemes.

The Minister of Food and Agriculture (Shri A. P. Jain) : In fact, we have first worked out the requirements of personnel and in order to meet those requirements we are opening colleges. There are three more colleges going to be opened, one in Punjab, another in Travancore-Cochin and the third in Rajasthan. All these colleges put together, we hope, will be able to meet our requirements of personnel.

Sardar Iqbal Singh : May I know when this Central Agricultural College will be opened in the Punjab?

Mr. Speaker : He answered that. One more college is going to be opened.

Dr. P. S. Deshmukh : It will not be a Central College, it will be a State college.

Central Tractor Organisation

***544. Shri Dabhi** : Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 1002 on the 10th December, 1954 and state :

(a) whether Government have since considered the recommendation of the Estimates Committee contained in para. 23 of their Seventh Report on the working of the Central Tractor Organisation; and

(b) if so, the action taken thereon?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) and (b). The various recommendations on the working of the Central Tractor Organisation made by the Estimates Committee in its 7th Report are now pending the final decision of Government which is hoped to be taken within the next few days. It is proposed to place on the Table of the Sabha detailed statement of the action taken or proposed to be taken.

Land Cultivation

***545. Shri Ibrahim** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total acreage of land brought under cultivation by mechanical power d u the years 1953-54 and 1954-55; and

(b) the total quantity of extra foodgrains produced on lands cultivated by mechanical power in Bihar?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Estimates of acreage reclaimed and cultivated by mechanical power are availabe in respect of areas under Grow More Food only.

The total acreage of land brought under cultivation by mechanical power during the year 1953-54 in such are as is of the order of 8·36 lakh acres.

Complete data for 1954-55 are not yet available.

(b) 13,000 tons during 1953-54.

Shri Ibrahim : What facilities are given to cultivators for reclaiming waste lands by mechanical power?

Dr. P. S. Deshmukh : In some places, some *taccavi* loans are advanced.

Shri Veeraswamy : May I know whether the lands brought under cultivation by mechanical power have been given to poor, landless people or they are owned by Government?

Dr. P. S. Deshmukh : Most of the land already belongs to the cultivators. It has been mechanised in various ways.

Shri G. P. Sinha : May I know if the Government of Bihar has demanded some bull-dozers for reclaiming waste land?

Dr. P. S. Deshmukh : I require notice.

Surcharge on Freight

***546. Dr. Ram Subhag Singh** : Will the Minister of **Transport** be pleased to refer to the reply given to Starred Question No. 2051 on the 7th April, 1955 and state :

(a) whether it is a fact that the foreign shipping concerns in India have decided to impose a 35 per cent. freight surcharge on cargoes handled at the ports of Calcutta, Bombay and Madras;

(b) if so, the reaction of Government thereto; and

(c) whether this surcharge has come into force ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) to (c). In April last certain shipping conferences notified their intention to impose a surcharge on freights on cargoes to and from the ports of Calcutta, Bombay and Madras if a satisfactory improvement in the conditions of working at these ports did not take place by a specified date. Government felt the proposal was not justified as adequate measures were being taken to improve the turn-round of shipping at the ports. In response to representations to that effect, the proposed surcharge has not been brought into force.

Dr. Ram Subhag Singh : Having regard to the fact that foreign shipping firms are still dictating terms to India in respect of freights etc., may I know whether there is any specific proposal before the Government to end their dictates ?

Shri Alagesan : It can be viewed in different ways. At present, our shipping tonnage is much less than what we should have to carry our overseas trade. That is one of the main reasons. Towards that end, we are making every effort to increase our tonnage. The second point is the real condition in the working of the ports the slow labour output. We have appointed a committee recently; they are going into the whole question of examining the various dock labour schemes that have been brought into effect, and we are awaiting their recommendations, so that we can effect improvement in the working conditions of the major ports of India.

Dr. Ram Subhag Singh : The hon. Deputy Minister said that labour conditions are not satisfactory at some of these ports. May I know whether some of the labour at some of our ports belong to a certain foreign country and they sometimes work according to instructions received from the country concerned?

Shri Alagesan : I was not able to follow the question.

Mr. Speaker : Is it due to the presence of foreign nationals in the dock labour who are more amenable to instructions from their country rather than minding the interests of this country?

Shri Alagesan : We have no reason to suspect any such thing.

श्री रघुनाथ सिंह : माननीय मंत्री ने यह कारण दिया है कि लेबर के सबब से ऐसा हो रहा है । मैं यह जानना चाहता हूं कि क्या इसका असर इंडियन शिपिंग पर भी पड़ा है या केवल फारिन शिपिंग पर ही इसका असर हो रहा है ?

श्री अलगेशन : दोनों पर असर हो रहा है ।

Shri Sarangadhar Das : May I know if Government are aware that recently there was a dock labour strike in the British ports for nearly two months, and if these steamer companies—the conference lines—had threatened to raise the freight rates ?

Shri Alagesan : Certainly it was one of the arguments which we used against the imposition of this surcharge on freight to Indian ports. They did not raise the question of surcharge when there was a strike in the British ports.

Shri Matthen : May I know if the hon. Deputy Minister is aware that at the recent shipowners' annual meeting inaugurated by the hon. Minister of Railways and Transport, they made a complaint that some foreign shipping companies are charging higher freight for goods loaded from India than those loaded from the distant Far East? If so, what has the hon. Minister done about it ?

Shri Alagesan : I am not aware of all the points that were made by the Indian shipowners at their meeting.

Shri Matthen : Why this invidious distinction?

Mr. Speaker : He is not aware of that.

Land Reclamation in Bhopal

*548. **Shri K. P. Sinha :** Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total acreage of land reclaimed by the Central Tractor Organisation in Bhopal upto the 31st May, 1955;

(b) the total area brought under cultivation; and

(c) the number of families settled there upto the 31st May, 1955?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) The area of land reclaimed by CTO and taken over from the Bhopal Government for the Central Mechanized Farm set up in Sultanpur Tehsil of that State is 9111·97 acres.

(b) 8, 500 acres.

(c) One hundred landless labourers recruited from within the Bhopal State have already been settled, while 120 labourers brought from Travancore-Cochin are on probation.

Shri K. P. Sinha : May I know by what time the total area is going to be reclaimed? ,

Dr. P. S. Deshmukh : It is already a reclaimed area. It is only awaiting settlement of these people

Shri K. P. Sinha : With reference to part (c), how many families settled there belong to Bhopal, and how many are from other parts of the country?

Dr. P. S. Deshmukh : As I have already said, 100 families belong to Bhopal and 120 are from Travancore-Cochin.

Shri K. C. Sodhia : What was the amount paid by the Central Government to the Bhopal Government to acquire this land?

Dr. P. S. Deshmukh : No price has been paid, because this was land which was mostly lying fallow due to *kans*, and it was the CTO which reclaimed it.

Shri U. M. Trivedi : May I know what was the number of trees destroyed in reclaiming this land, apart from *kans*, land ?

Dr. P. S. Deshmukh : There were innumerable trees.

Fishing Vessels

***549. Shri V. P. Nayar :** Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether the Government of India have any proposal for the construction fishing vessels in the Visakhapatnam Shipyard; and

(b) if so, the details thereof?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) No, Sir.

(b) Does not arise.

Shri V. P. Nayar : May I know whether Government have made any estimate of the requirements of powered fishing craft for the ensuing Five Year Plan period?

Dr. P. S. Deshmukh : No estimate has been framed.

Shri V. P. Nayar : May I know whether Government are aware that as exhorbitant prices are charged on fishing vessels sent from other countries, there is very little chance of the development of this industry unless we are able to make our own fishing vessels ?

Dr. P. S. Deshmukh : Government have not yet decided that they should take up this activity. They are prepared to wait for private enterprise to come up.

Shri V. P. Nayar : Have Government bestowed any thought on the subject of meeting India's demand for the fishing industry,—especially in the matter of powered fishing craft, from indigenous sources ?

Dr. P. S Deshmukh : Unfortunately, we have embarked on this deep sea fishing business only recently, and it is therefore very difficult to calculate the requirements and how the development will come about.

Passenger Amenities

***550. Shri Radha Raman :** Will the Minister of **Railway** be pleased to state :

(a) whether it is a fact that some changes are proposed to be made by the Northern Railway for handling increased goods and passenger traffic at Delhi and New Delhi Stations ;

(b) if so, the nature of the changes proposed; and

(c) when these proposals will materialize and the cost involved?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Yes, Sir.

(b) and (c). A number of proposals for handling increased goods and passenger traffic are under consideration on the Northern Railway and some of them have already been taken in hand. A list of the main proposals is laid on the Table of the House [*See* Appendix IV, annexure No. 6].

Shri Radha Raman : When these proposals are implemented, what will be the extent to which congestion in goods and passenger traffic will be removed?

Shri Shahnawaz Khan : To a very considerable extent.

Shri Radha Raman : May I know whether among these proposals is one to the effect that goods traffic coming from Bombay will be held up at Shakur Basti?

Shri Shahnawaz Khan : There is an idea to have what they call, an avoiding line, that is, without having to come into the Delhi main station, the trains will be diverted from somewhere near Okhla to Shakurbasti.

WRITTEN ANSWERS TO QUESTIONS

विद्युत चालित रेल के सवारी डिब्बे

(श्री एम० एल० द्विवेदी :
***५०३. (श्री भागवत झा आजाद :**
(सरदार इकबाल सिंह :

क्या **रेलवे** मंत्री यह बतान की कृपा करेंगे कि :

(क) विद्युत् चालित रेल के ५० सवारी डिब्बे जो इटली से मंगाये जा रहे हैं उनके मूल्यों में और दूसरे देशों से उपलब्ध इसी प्रकार के डिब्बों के मूल्यों में क्या अन्तर है ;

(ख) क्या इस प्रकार के डिब्बों के लिये किसी अन्य देश को आदेश दिया गया है या दिया जाने वाला है ; और

(ग) यदि हां, तो उसका ब्यौरा क्या है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) मांगी गयी सूचना का विवरण 'क' सभा-पटल पर रख दिया गया है [देखिये परिशिष्ट ४, अनुबन्ध सं० ७]

(ख) जी हां ।

(ग) मांगी गई सूचना का विवरण 'ख' सभा-पटल पर रख दिया गया है [देखिये परिशिष्ट ४, अनुबन्ध सं० ७]

Safety Device

*507. **Shri Gidwani:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a device to lock rails more tightly to wooden sleepers to prevent accidents has been invented by a French dentist; and

(b) if so, whether Government propose to utilize the same device in India?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) and (b) The news item published in the press has come to the notice of the Government and particulars of the device are being obtained.

C.T.O.

*515. **Shri K.G. Deshmukh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Government have recently sanctioned a reduction in the rates of the operations conducted by the Central Tractor Organisation; and

(b) if so, what are the revised rates?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) The rates were reduced from Rs. 55/- per acre/hour to Rs. 40/- per acre/hour for 1954-55 season, provided the State Governments agreed to offer a specified minimum area for reclamation.

Cocoanut and Tapioca

*517. **Shri A.K. Gopalan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that he had a discussion with the Travancore-Cochin Government regarding the measures to be adopted for arresting the fall in the price of cocoanut and tapioca during his last tour of the State; and

(b) if so, the decisions arrived at?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Yes. A general talk was held with the Chief Minister and the Food Minister of Travancore-Cochin Government about Tapioca but no decisions were arrived at. There was no talk about the prices of cocoanuts.

Railway Technical Staff

*518 { **Shri Subodh Hasda:**
Shri P.N. Rajabhoj:

Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the Railway Board has imposed a ban on the technical staff working on the Indian Railways applying for jobs outside the Railways; and

(b) if so, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): Yes, except purely temporary staff.

(b) Due to overall shortage of experienced and trained technical staff on the Railways and particularly in the context of the development plans of the Railways, it is necessary to retain the available technical man power.

Radio Licences

*524. **Shri Jethalal Joshi:** Will the Minister of **Communications** be pleased to state:

(a) the number of licences for radio sets issued during the year 1954-55; and

(b) the number of unlicensed receiving sets detected during the same period?

The Minister of Communications (Shri Jagjivan Ram): (a) 19,46,978.

(b) 19,253.

Steamer Service

*525. **Pandit D.N. Tiwary:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1506 on the 25th March, 1955 and state:

(a) whether Government are aware that a large amount is lost due to restriction on booking passengers from ghat to ghat; and

(b) if so, the difficulty in restoring ghat to ghat passenger booking?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) As bank to bank booking of traffic has at no time been permitted in the past between Palezaghat on the one side and Digha and Mahendrughats on the other, the question of 'loss' due to traffic being not booked from ghat to ghat does not arise.

(b) The Government of Bihar have declined to allow ghat to ghat booking by Railways, as that would amount to the Railways operating a ferry service and would infringe the State Governments' agreement with the lessees for such ferry services.

Wagons

***532. Shri Vishwanatha Reddy:** Will the Minister of **Railways** be pleased to state:

(a) the total number of wagons both broad-gauge and metre-gauge for which orders were placed during 1954-55 in India as well as abroad.

(b) the number of wagons expected to be delivered during the current year;

(c) the number of the normal replacements every year ; and

(d) the criteria for alloting wagons to the various Railways and the various sections in each Railway?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) 24,368.

(b) 26,006.

(c) about 5,000.

(d) The allocations are made in accordance with the requirements intimated by the Railways through their annual Rolling Stock Programme.

Food Adulteration Act

***533. Shrimati Ila Palchoudhury:** Will the Minister of **Health** be pleased to state:

(a) the number of cases registered under the Prevention of Food Adulteration Act, 1954, during the period from the 1st January to the 30th June, 1955.

(b) the number of successful prosecutions out of these cases ; and

(c) the nature of punishments awarded?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Nil.

(b) and (c). Do not arise.

Compensation Claims

***534. Shri Krishnacharya Joshi:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 107 on the 23rd February, 1955 and state:

(a) whether all the claims preferred persons involved in the Jangaon Railway Accident in September, 1954 have since been settled; and

(b) if so, the total amount of compensation paid ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) No.

(b) Total amount of compensation paid upto 14.7.1955 is Rs. 6,24,730-13-9.

Kurnool Railway Station

***535. Shri P. Ramaswamy:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question. No. 78 on the 26th July, 1955 and state:

(a) the nature of improvements to be made and amenities to be provided at the Kurnool Railway Station;

(b) whether it is a fact that the Andhra State Government have made certain recommendations in this regard and urged early execution of work; and

(c) if so, the nature of the recommendations made ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) A statement showing the items of amenities to be provided at Kurnool Railway Station is attached. [*See* Appendix IV, annexure No. 8]

(b) Yes Sir.

(c) Generally to remodel the station on a scale befitting the Capital of Andhra and specially the provision of Retiring Rooms there.

Workers' Share in Industrial Management

***539. Th. Jugal Kishore Sinha:** Will the Minister of **Labour** be pleased to state in what form and by what time the Government propose to allow the labour to have some control in the management of industry ?

The Deputy Minister of Labour (Shri Abid Ali) : Government have under consideration a proposal that a scheme for workers' participation in management should be drawn up for implementation during the Second Five Year Plan period.

Bombay Harbour

***543. Shri Gidwani:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that the congestion in the Bombay harbour is resulting in slow turn-around in shipping;

(b) if so, whether it has affected the trade adversely; and

(c) the efforts being made by Government to prevent congestion?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (*c*). From time to time in the last four months some congestion has developed in the Bombay port due to a variety of causes. This has had repercussions on shipping turn-round but it is hardly possible to conclude that trade has been affected adversely. In fact a rise in the volume of imports during January to April 1955 was a significant factor which contributed to the congestion. The Port Authorities are taking all possible steps to reduce congestion and prevent its recurrence.

Recruitment of Technical Staff

*546. **Shri A.K. Gopalan:** Will the Minister of **Railways** be pleased to state:

(a) whether any new recruitment of trade apprentices has been made recently for appointing them as "Skilled Fitters" on the Southern Railway;

(b) whether it is a fact that these appointments affect the promotion of those already in service; and

(c) if so, to what extent ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes Sir.

(b) and (c). The rules for recruitment of staff in the skilled grade. in the Mechanical Workshops provide that such posts will be filled by directly recruited Trade Apprentices after training, as well as by promotion of semi-skilled and un-skilled workmen after they pass the prescribed trade tests. The proportion of vanancies filled from Trade Apprentices and promoted workmen on all Railways including the Southern Railway has been fixed at 2: 1.

Railway Tribunal

*551. **Shri T. B. Vittal Rao :** Will the Minister of **Railways** be pleased to refer to his Budget Speech for current year and state :

(a) whether the Indian National Railway Workers' Federation has since been consulted in regard to the additional items to be referred to the *ad hoc* Tribunal ; and

(b) if so, the items that will be referred to the Tribunal ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) No.

(b) Does not arise.

Tuberculosis

*552. **Dr. Rama Rao :** Will the Minister of **Health** be pleased to state :

(a) whether Government have prepared any scheme for curbing tuberculosis in the country under the Second Five Year Plan ;

(b) if so, the details of the scheme and its estimated cost ; and

(c) whether the Planning Commission have accepted the proposals?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) Yes.

(b) and (c). The details of the scheme are at present under discussion with the Planning Commission and till they are finalised, it is not considered proper to publish them.

Tourists Traffic To Dharamsala

*523. **Shri Hem Raj :** Will the Minister of **Transport** be pleased to state :

(a) whether it is a fact that Government have received an application from the Tourist Association Dharamsala for grants for developing the tourist traffic in that area ; and

(b) if so, the action taken thereon?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Yes from the Tourist Bureau Committee, Dharamsala.

(b) It is under consideration.

All-India Co-operative Congress

*544. **Th. Jugal Kishore Sinha :** Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether Government have examined the resolutions passed at the All-India Co-operative Congress held at Patna recently; and

(b) if so, the action taken thereon ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Yes.

(b) The resolutions mainly relate to the recommendations contained in the Rural Credit Survey Report on which Government of India is already taking necessary action.

Post-Graduate Medical Education

***555. Shri D. C. Sharma :** Will the Minister of **Health** be pleased to state :

(a) the number of Indian students who were sent to U. K. by Government for Post-graduate Medical Education during the year 1954-55 ;

(b) the total amount spent on their education; and

(c) whether there is any proposal to increase the amount during the current year?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Twelve—including four on scholarships awarded by the Ministry of Education and eight on fellowships offered by international agencies as Colombo Plan, T. C. M. etc.

(b) Rs. 63,000/- approximately by the Government of India.

(c) Yes. It is proposed to increase the scholarships awarded by the Ministry of Education from 4 to 5.

Directorate of Extension and Training

***556. Shri Gidwani :** Will the Minister of **Food and Agriculture** be pleased to state the estimated annual expenditure on the Directorate of Extension and Training created recently in the Ministry ?

The Minister of Food and Agriculture : (Shri A. P. Jain): Rs. 5,55,000 approximately .

Birth Rate

***557. Shri Ibrahim :** Will the Minister of **Health** be pleased to state:

(a) the present birth rate in India ;

(b) whether the percentage of birth rate has been increasing ;

(c) if so, the rate of increase during the last two decades ; and

(d) the comparative percentage increase in different States?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) the actual birth rate during the decade 1941 to 1950 is estimated to be 39·9 per mill roughly as against a registered birth rate 27·5 per mille.

(b) No, the birth rate has been steadily declining.

(c) Does not arise.

(d) A comparative Statement showing the registered birth rates in Part 'A' States and Part 'C' States of Ajmer, Coorg and Delhi as far as information is available is placed on the Table of the House [*See* Appendix IV, annexure No. 9]. Information in respect of Part 'B' States and the remaining Part 'C' States is not available.

Garo Hills

***558. Dr. Ram Subhag Singh:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1311 on the 22nd March, 1955 and state ;

(a) whether the survey in regard to the linking of Garo Hills with the rest of India has since been completed; and

(b) if so, whether the survey report has been submitted to Government?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). The field work for the traffic survey has been completed and a final report is expected shortly.

Workshop Reviewing Committee

***559. Shri T. B. Vittal Rao :** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 704 on the 10th March, 1955 and state :

(a) whether the Workshops Revieswing Committee have since submitted their report ; and

(b) if not, when it is expected to be received?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The Railway Workshop Reviewing Committee has submitted an interim general report and detailed reports on workshops of 5 of the 6 Railways.

(b) The final report of the Committe is expected by about the end of August 1955.

Musk-Melons

***560. Dr. Rama Rao :** Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that Governement propose to formulate a scheme for the improvement of musk-melons;

(b) if so, the nature of the scheme; and

(c) whether any special steps will be taken to revive the cultivation and quality of Lucknow musk-melons ?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes. A scheme on the subject is under the consideration of U.P. Government.

(b) To carry out a detailed study of and research on musk-melons and water melons.

(c) Musk-melon shows are held every year by the Government of U. P. at Lucknow or other places noted for their cultivation in order to popularise and maintain the quality of the fruit.

Linking of District Head Quarters by Telephone

229. Shri Karni Singhji: Will the Minister of **Communications** be pleased to state :

(a) whether there is any proposal to connect all the Tehsil and District Headquarters in Rajasthan by telephone; and

(b) if so, within what period ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The proposal is in respect of District and Sub-Divisional Headquarter towns and not tehsil headquarters.

In Rajasthan State, all the 25 District Headquarter towns are connected to the trunk network.

Out of 53 Sub-divisional towns, 23 are already connected. Sanction has been issued for Public Call Offices at 22 more. Most of these would be connected by March, 1956. The remaining 8 places are likely to be taken up during 1956-57.

Out of 137 Tehsil stations, 24 have Public Call Offices and sanction has been issued for 5 more. Public Call Office proposals for Tehsil towns are considered only if they do not involve any loss to the Government.

मुद्रण यंत्र

२३०. **श्री एम० एल० द्विवेदी** :
श्री गिडवानी :

क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) दक्षिण रेलवे प्रिंटिंग प्रैस को बढ़ाने के लिये कितने मुद्रण यंत्र, किस मूल्य पर, किस किस साल मंगाये गये थे ;

(ख) उनमें से लगाये गये कितने मुद्रण यंत्र ठीक तरह से काम कर रहे हैं; कितने टूट गये और कितने बिना प्रयोग के पड़े हैं ;

(ग) इस अवधि में वैयक्तिक प्रैसों को कितने मूल्य का छपाई का काम दिया गया ;

(घ) इन यंत्रों के प्रयोग न किये जाने अथवा देरी से प्रयोग किये जाने के क्या कारण ह; और

(ङ) सरकार द्वारा इस विषय में क्या कार्यवाही की जा रही है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) १८ मशीनों का आर्डर दिया गया था, अब तक १६ मशीनें मिल चुकी हैं ।

आर्डर की गयी मशीनों की कीमत: १०७४००० रुपये

प्राप्त मशीनों की कीमत ९,२५,००० रुपये ।

किससाल मंगाई गई	मशीन
१९५१	२
१९५२	२
१९५३	४
१९५४	५
१९५५	३

(ख) चार मशीनें लगायी गयी थीं जो ठीक काम कर रही हैं । कोई मशीन टूटी नहीं है और १२ मशीनों से अभी तक काम नहीं लिया गया है ।

(ग) १९५२–५३ ५,९७,६११ रु०
१९५३–५४ १८,३१,०५३ रु०
१९५४–५५ १०,६६,८५८ रु०

(घ) जिस इमारत में मशीन लगायी जायेगी वह अभी तैयार नहीं हैं ।

(ङ) इस बात की खास तौर पर कोशिश की जा रही है कि इमारत बनने और मशीनों के चालू होने में जहां तक हो सके कम समय लगे ।

छपाई का काम

२३१. **श्री एम० एल० द्विवेदी** : क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

क्या यह सच है कि दक्षिण रेलवे प्रिंटिंग प्रेस रोयापुरम, मद्रास के कर्मचारियों ने हाल ही में यह कहा है कि वे रेलवे की पूरी छपाई का काम रेलवे प्रेस में ही कर सकते हैं ;

(ख) यदि हां, तो क्या कारण है कि रेलवे की छपाई का काम वैयक्तिक प्रेसों को दिया गया है ;

(ग) गत तीन वर्ष म प्रति वर्ष कितनी मूल्य की छपाई का काम वैयक्तिक प्रेसों को दिया गया था ;

(घ) रेलवे प्रैस के कितने यंत्र चलते हैं और कितने बन्द पड़े रहते हैं ;

(ङ) कितने नये यंत्र बाहर पड़े हैं और कितने सालों से; और

(च) इन यंत्रों को काम में न लाने से कितना नुकसान हुआ है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) सरकार को इस तरह के बयान की कोई जानकारी नहीं है ।

(ख) भाग (क) में जो कुछ कहा गया है उसे देखते हुये यह सवाल ही नहीं उठता । चूंकि दक्षिण रेलवे के प्रेस उस रेलवे की छपाई का काम पूरा नहीं कर पाते इसलिये छपाई का कुछ काम ग़ैर-सरकारी प्रेसों को दे दिया जाता है ।

(ग)	१९५२–५३	५,९७,६११ रुपये
	१९५३–५४	१८,३१,०५३ रुपये
	१९५४–५५	१०,६९,८५८ रुपये

(घ) २३, मरम्मत के समय छोड़ कर कोई मशीन बेकार पड़ी नहीं रहती ।

(ङ) १२, लेकिन इन्हें ढक कर रखा गया है । ४ मशीन १९५३ से, ५ मशीनें १९५४ से और ३ मशीनें १९५५ से ।

(च) लगभग ३३,११८ रुपये ।

Ayurvedic Institutions

232. **Shri D. C. Sharma :** Will the Minister of **Health** be pleased to state :

(a) how many Ayurvedic institutions have been up-graded so far;

(b) the financial aid given to each ;

(c) whether any other institutions are proposed to be up-graded; and

(d) the number of institutions that have been permitted and aided to carry on research in Ayurveda ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) No Ayurvedic Institutions have so far been up-graded.

(b) Does not arise.

(c) Not at present.

(d) Four.

Railway Engines

233. **Shri D. C. Sharma :** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that several Metre Gauge as well as Narrow Gauge engines on the Northern Railway are eiher overaged or require constant repairs; and

(b) if so, the number of each of these categories of engines ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Yes. There are a number of Metre Gauge and Narrow Gauge locomotives overage on the Northern Railway. No locomotives require constant repairs.

(b) The number of overage Metre Gauge and Narrow Gauge locomotives is 62 and 27 respectively.

Kangra District post-Office

234. **Shri D. C. Sharma :** Will the Minister of **Communicatons** be pleased to state the names of new Post Offices opened in the District of Kangra in Punjab during the year 1954 ?

The Deputy Minister of Communications (Shri Raj Bahadur): Statement below furnishes particulars of the

Post Offices opened in Kangra District (Tehsilwise) in 1954 :—

Name of Tehsil	Particulars of the Post Offices opened	Date of opening
Kangra	Tanda T.B Hospital	1-1-1954
Dehra	Amir	3-2-1954
	Sathana	8-8-1954
	Darkata	10-8-1954
	Sehari	1-9-1954
	Muhal	1-9-1954
Palampur	Paplah	25-2-1954
	Balakrupi	1-7-1954
Suraj	Goshini	1-3-1954
Kulu	Jahlman	14-5-1954
	Haripur	2-8-1954
Hamirpur	Jahu	2-9-1954
	Manjhian	1-9-1954
	Chamiana	1-9-1954
	Kohla	16-10-1954
	Bhira	1-11-1954
Shahpur	Bhali	1-10-1954

Coffee Plantations Labour

235. **Shri D. C. Sharma :** Will the Minister of **Labour** be pleased to refer to the reply given to Unstarred Question No. 79 on the 28th February, 1955 and state the total number of coffee plantations workers in India during 1952-53 and 1953-54. respectively ?

The Deputy Minister of Labour (Shri Abid Ali) : 1,64,594 workers were employed in coffee plantations in India during the year 1952-53. Employment figures for the year 1953-54 are not available.

Wheat

236. **Shri D. C. Sharma :**
Pandit D. N. Tiwary :
Shri Bishwa Nath Roy :

Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total quantity of surplus wheat in the country at present ;

(b) whether it is a fact that Government are making attempts to revive the pre-war contracts in the International Wheat Market to dispose of the surplus stock; and

(c) if so, with what result ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) India has not yet become surplus in wheat.

(b) There is no proposal at present to export wheat from India.

(c) Does not arise.

Telegraph Facilities

237. **Shri D. C. Sharma :** Will the Minister of **Communications** be pleased to state :

(a) the number of Post Offices in Punjab which have been provided with telegraph facilities during the year 1954 ; and

(b) the number of Post Offices in that State which are to be provided with telegraph facilities during 1955 ?

The Deputy Minister of Comunications (Shri Raj Bahadur) : (a) 115.
(b) 30*

*From 1-1-55 to 30-6-55 twelve combined offices have already been opened. The remaining 18 will be opened before the end of the year.

चारे सम्बन्धी गवेषणा

२३८. **श्री नवल प्रभाकर :** क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) भारतीय कृषि गवेषणा संस्था, दिल्ली द्वारा की गई चारे सम्बन्धी गवेषणा का क्या परिणाम निकला; और

(ख) ऐसी गवेषणाओं से, सबसे अच्छे चारे की किन विशेषताओं का पता चला है ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : (क) तथा (ख). एक विवरण सभा की टेबिल पर रखा गया है [देखिये परिशिष्ट ४, अनुबन्ध सं० १०]

Locomotives

239. **Shri Krishnacharya Joshi :** Will the Minister of **Railways** be pleased to state :

(a) the total number of overaged locomotives as on the 31st December, 1954 ; and

(b) the total number of such locomotives as have been replaced so far ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) 2641.

(b) From 1st January, 1955 to 30th June, 1955, 322 new locomotives were put on line to replace overage locomotives but only 50 locomotives have been withdrawn from service during this period.

Shortage of Wagons

240. Shri Gidwani Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that Maha Koshal Chamber of Commerce, Jubalpore has complained to the Government recently regarding the non-availability of railway wagons for the movement of their grain stocks;

(b) whether it is a fact that they have threatened to suspend trading in foodgrains if their grievances are not redressed ; and

(c) if so, the action taken in the matter ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes.

(c) Loading of foodgrains from stations on the Jubbalpore Division of the Central Railway, which covers the area in question has been stepped up considerably as compared to the corresponding period of last year.

Japanese Method of Rice Cultivation

241. { Shri K. P. Sinha :
Shri Ram Shankar Lal :

Will the Minister of **Food and Agriculture** be pleased to lay a statement on the Table of the House showing :

(a) the total area under the Japanese Method of Rice Cultivation Statewise, in the country during the year 1954-55 ; and

(b) the average yield per acre (Statewise) ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix IV annexure, No. 11].

Wheat

242. Shri Radha Raman : Will the Minister of **Food and Agriculture** be pleased to state the total quantity of wheat consumed in India during the year 1954-55 ?

The Miniser of Food and Agriculture. (Shri A. P. Jain) : No precise information about the quantity of wheat consumed in India during 1954-55 is available with us.

Fisheries

243. Shri Rishang Keishing : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the number of State fisheries in Manipur ;

(b) the income derived from the State fisheries during the years 1953-54 and 1954-55 ;

(c) whether it is a fact that the Central Government have allotted any funds to the State Government during the First Five Year Plan for the development of fisheries ; and

(d) if the answer to part (c) above be in the negative the reasons therefor ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) 338.

(b) *Year*	*Income deriveed from State Fisheries*
	Rs.
1953-54	3,15,303
1954-55	2,87,564

(c) No.

(d) The State Government did not put up any proposals in this regard owing to non availability of suitable technical personnel.

नौवहन

२४४. श्री अमर सिंह डामर : क्या **परिवहन** मंत्री यह बताने की कृपा करेंगे कि :

(क) १५ अगस्त, १९४७ से भारतीय नौवहन ने कितनी प्रगति की है;

(ख) भीतरी तथा बाहरी नौवहन सेवाओं के लिये १९४७ से १९५४ तक कितने भारत के बने जहाज़ खरीदे गये और कितने बाहर से खरीदे गये ;

(ग) चालु वर्ष में कितने जहाज़ बनाने का तथा कितने खरीदने का विचार है; और

(घ) देशी जहाज़ों तथा विदेशों से खरीदे गये जहाज़ों की लागत में कितना अन्तर है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) से (घ). विवरण संलग्न है **[देखिये परिशिष्ट ४, अनुबन्ध सं० १२]**

India-Burma Steamer Service

245 { **Shri T. B. Vittal Rao :**
Shri Raghunath Singh
Shri Krishnamacharya Joshi:

Will the Minister of **Transport** be pleased to state :

(a) whether the Scindia Steamship Navigation Company have since suspended their steamer service between India and Burma ;

(b) if so, the reasons adduced by them for taking this step ; and

(c) the arrangements that Government propose to make for resuming this Service ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) to (c). The passenger service between Madras and Rangoon which was being run by the Scindia Steam Navigation Company by their s.s. JALAGOPAL had to be suspended by them from the middle of June 1955 as the vessel had been too old and unsafe for service. At the instance of the Government of India, however, the Shipping Company have agreed to resume this service with their s.s. SONAVATI towards the end of August 1955, pending the provision of a more suitable ship.

Delhi Road Transport Service

246. Shri T. B. Vittal Rao : Will the Minister of **Transport** be pleased to refer to the reply given to Unstarred Question No. 393 on the 29th November, 1954 and state :

(a) the number of buses received upto the end of July, 1955 out of the 140 buses ordered for the Delhi Transport Service ;

(b) whether Government propose to run Double Decker Buses on some of the routes due to high density of passenger traffic ; and

(c) if so, from what date ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) 81.

(b) No.

(c) Does not arise.

Road Transport Corporations

247. Sardar Iqbal Singh : Will the Minister of **Transport** be pleased to state :

(a) the total amount invested by Government in the different Road Transport Corporations as on the 31st March, 1955 ;

(b) the percentage it bears to the total investment of the Corporations on that date ; and

(c) the net profits that have accured to the Central Government on their investments during the year 1954-55 ?

The Deputy Minister of Railways and Transport (Shri Alagesan): The position in respect of the two Corporations in which the Central Government hold a share is as follows: —

Bombay State Road Transport Corporation	Kutch State Roa Transport Corporation
(a) Rs. 383·53 lakhs	Rs. 4 lakhs.
(b) 33⅓ per cent	20 per cent.
(c) Rs. 15·17 lakhs (provisional).	*Not available

*This Corporation came into existence only on the 1st December, 1954.

Railway Line

248. Shri B.C Das: Will the Minister of **Railways** be pleased to state whether there is any proposal to convert the Parla Kimedi Light Railway from narrow-gauge to broad-gauge railway and connect it with Vijaya nagram—Raipur line ?

The Deputy Minister of Railways and Transport (Shri Alagesan): Not at the moment.

Air Service

249. { **Shri D.C Sharma :**
Shri Bhagwat Jha Azad:

Will the Minister of **Communications** be pleased to state:

(a) the names of the additional Serces planned by the Air-India

International Corporation during the current year; and

(b) the number amongst them which have already been put into operation ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The additional services intorduced or contemplated by Air India International during the current year are :

Services introduced

(1) Increase of the frequency of India U.K. service from 4 to 6 per week with inclusion of Beirut and Zurich on the route.

(2) Extension of the India-Hongkong Service to Tokyo.

Services contemplated

(1) Increase of the frequency of service to Tokyo from 1 to 2 per week.

(2) Introduction of a halt at Prague on one of the existing Services to U. K.

(3) Introduction of a halt at Colombo on the service to Singapore.

कोयले की चोरी

२५०. **श्री हेम राज** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर रेलवे के शेडों से प्रति वर्ष लाखों रुपयों का कोयला चोरी चला जाता है और बाजारों में बेच दिया जाता है; और

(ख) यदि हां, तो इस चोरी को रोकने के लिये सरकार ने क्या कदम उठाये हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी नहीं । सिर्फ कुछ मामूली चोरियां हुई हैं ।

(ख) जिन इंजन-शेडों में कोयला जमा किया जाता है उन सब में आम तौर पर सुरक्षा का प्रबन्ध रहता है ।

Catering

251. **Shri N. Rachiah:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the Vegetarian Refreshment Room in Mysore City station has been closed down; and

(b) if so, the reasons therefor ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, with effect from 1.2.1955; but it is expected to be re-opened from 10.8.1955 under another contractor.

(b) As the previous contractor gave notice of termination of his contract.

Annapoorna Branches

252. **Shri Veeraswamy** : Will the Mnister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that Govrnment propose to open *Annapoorna* Branches in foreign countries; and

(b) if so, the progress made in this regard ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) No.

(b) Does not arise.

Railway Schools

253. **Shri Sanganna:** Will the Minister of **Railways** be pleased to state:

(a) whether national as well as regional languages, are taught in all the schools under the Railway Administration in the Eastern Railway Zone; and

(b) if not, the reasons therefor ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, except in Anglo Indian Schools and the Primary Schools at Rayaghada. In the Anglo Indian Schools only the national language is taught and in primary School only the regional language.

(b) The State Government which controls policy in educational matters do not require that the regional language should be taught in Anglo-Indian Schools. In the Primary School at Rayaghada, there are no students offering to learn the nattional language;

NOTE: Rayaghada is now on the South Eastern Railway.

Rice

254. **Shri P. Ramaswamy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the quantity of rice sold out of Government stocks by action during 1955 so far;

(b) the maximum and minimum price of rice obtained per maund;

(c) whether any further quantity of rice is expected to be sold upto the end of December, 1955; and

(d) the size of rice reserve which Government, propose to maintain?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) About 88 thousand tons.

(b) Maximum Rs. 25/1/- Minimum Rs. 5/12/-;

(c) Yes.

(d) 8 lakh tons.

Institutes in Hyderabad

255. **Shri P. Ramaswamy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) how many Agricultural Research Institutes, Veterinary Colleges, Training Centres, Experimental Farms and Dairies under the Control of his Ministry are located in Hyderabad State; and

(b) whether Government propose to establish new institutes in the State in the near future?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) None.

(b) Yes. A proposal for starting an Institute for training of Village 'Ghani' Workers in Hyderabad State is under consideration

Rehabilitation of Tribal People

256. **Shri Biren Dutt:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) how many tribal peasants have been rehabilitated on lands in the state of Tripura during 1954-55;

(b) how many of them have received rehabilitation grants; and

(c) how many of them had to pay *Nazarana* during the above period?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) to (c). Information is being collected and will be placed on the Table of the Sabha in due course.

Contributory Health Service Scheme

257. **Shri D.C. Sharma:** Will the Minister of **Health** be pleasd to state:

(a) the location of the dispensaries opened so far in (i) Delhi and (ii) New Delhi, under the Central Government Contributory Health Service Scheme;

(b) the number of employees including their dependents attached at present to each of these dispensaries;

(c) the number of doctors and other staff working in each of them;

(d) their working hours per day; and

(e) the average number of patients attending each dispensary daily?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) to (e). A statement gving the required information is placed on the Table of the Sabha [*See* Appendix IV, Annexure No. 13].

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LOK SABHA DEBATES Dated...10.12.2014

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Monday, 8th August, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair.*]

QUESTIONS AND ANSWERS

(*See Part* I)

12 NOON

PAPER LAID ON THE TABLE

AMENDMENTS TO RESERVE AND AUXILIARY AIR FORCES ACT RULES

The Deputy Minister of Defence (Sardar Majithia): I beg to re-lay on the Table a copy of the Ministry of Defence Notification No. S.R.O. 6-E, dated the 18th December, 1954, making certain amendments in the Reserve and Auxiliary Air Forces Act Rules, 1953. (*Placed in Library. See* No. S-236/55).

BUSINESS ADVISORY COMMITTEE

TWENTY-SECOND REPORT

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

> "That this House agrees with the Twenty-second Report of the Business Advisory Committee presented to the House on the 5th August, 1955."

Mr. Speaker: The question is:

> "That this House agrees with the Twenty-second Report of the Business Advisory Committee presented to the House on the 5th August, 1955."

The motion was adopted.

CITIZENSHIP BILL—*Contd.*

Mr. Speaker: We will now proceed with the further consideration of the motion moved by hon. Pandit Govind Ballabh Pant on the 5th instant regarding the Citizenship Bill along with the amendment in respect thereof. Shri More will continue his speech.

Shri S. S. More (Sholapur): Before I resumed my seat on the last day, I was dealing with clause 11 and asking the question as to what are the concrete benefits that we are likely to get by becoming Commonwealth citizens and citizens of the Commonwealth countries mentioned in Schedule I. Now, I will further put this question to enable a more careful scrutiny and try to find out the necessary legal implications of the same.

[MR. DEPUTY-SPEAKER *in the Chair*]

We were under Great Britain and certain laws were made applicable to us when they were passed by the House of Commons. After the passing of our Constitution, one interesting question arises; what is the validity of the laws passed by the British Parliament.

In this context, I would refer to one of the enactments passed by the British Parliament. I will refer to the India (Consequential) Provisions Act of 1949, passed by the British Parliament. You will permit me to read section 1 of this particular enactment:

> "On and after the date of India's becoming a Republic, all existing law, that is to say, all law which, whether being a rule of law or provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that date or has been passed or made before that date and

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> comes into force thereafter, shall, until provision to the country is made by the authority having power to alter that law and subject to the provisions of sub-section (3) of this section, have the same operation in any relation to India and to persons and things in a way belonging to or connected with India as it would have had if India had not become a Republic."

If you read the whole enactment, it looks as if our Republic; as far as Great Britain is concerned, is more a matter of fiction than a matter of reality. Certain laws have been passed. Take, for instance, the British Nationality Act. It is an Act of 1948 and, according to the conception, particularly of the India (Consequential) Provisions Act of 1949, that Act comes into operation automatically and under section 1, sub-section (3) of that Act, India is one of the countries for which commonwealth citizenship has been granted by the British Nationalities Act. According to this Act, all the Acts of Parliament are applicable as they would have been applicable if India had not become a Republic. Now, unfortunately for the British, we have become a Republic. We have become independent and we are functioning under a Constitution duly framed by our own representatives. But, what are legal consequences? What are the necessary implications that flow this particular British enactment? It means that all Acts of Great Britain shall be applicable to the Indian people as if India had not become a Republic.

I would still further drag on that enquiry. A British subject is supposed to be loyal to his Majesty or Her Majesty (*Shri Gadgil*: The Crown.) to the Crown. Now, Indians, by virtue of this British Nationality Act are citizens of the Commonwealth. Citizenship of the Commonwealth is equal to the citizenship of Great Britain because this Act of 1948, in section 1, sub-section (1) says that every person, who under this Act, is a citizen of the United Kingdom and Colonies or who, under any enactment for the time being in force in any country mentioned in sub-section (3)—and India is mentioned in sub-section (3) of this section—is a citizen of that country, and by virtue of that citizenship have the status of a British subject. So, to put it in plain or unvarnished—or I may say bald—language, Indian citizens are, at the same time, British subjects, and because they are British subjects, they are also Commonwealth subjects; or Indian citizens, by virtue of this Act are also citizens of the Commonwealth, that is, citizens of Great Britain—as citizenship of the Commonwealth would tantamount to citizenship of Great Britain.

You know we have taken an oath to be faithful to the Constitution. But, if we are considered as British subjects, then, naturally, as a necessary part of our mental reaction to the British Crown, we shall, at the same time, be supposed to be loyal to the British Crown. And, I would say that under this British Nationality Act, Schedule I, there is an oath to be taken:

> "I, A. B. swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George VI, his Heirs and Successors, according to law."

So, if this allegiance to the Crown is also a part of our being citizens of the Commonwealth of Great Britain and others, is it not something inconsistent with our own oath? Is it not something derogatory to our own independent status of a Republic, when we are taking pride in the fact that we are a Republic? We have the President as the constitutional head and he is the guardian of our Constitution and we owe no allegiance to any one excepting the President and the Constitution in whom the sovereign will of the people is embodied. But, unfortunately, the existence of all these laws of Great Britain and the fact that they are also applicable to us, is creating a situation in which we have to come directly into conflict with our Constitution and we are also supposed to be loyal to the British Crown because the British Parliament has chosen to say that for the purpose of some of 'our' Acts, the Indian Republic shall be deemed not to be a Republic.

Shri Raghubir Sahai (Etah Distt.—North-East *cum* Budaun Distt.—East): Is it the contention of the hon. Member that we are still being governed by the British Act?

Shri S. S. More: I am not contending anything; I am raising so many points for the consideration of the House. I have not made a careful scrutiny of all the laws concerned and it is not possible for me....

Shri Gadgil (Poona Central): This is just like continuing to call the divorced wife one's own wife.

Shri S. S. More: My friend says it is continuing to call a divorced wife, one's own wife. But, what is the reaction of the wife? (*Interruption*). For the husband, to use the expression of my friend Shri Gadgil, it may be a consoling thought, a chuckling sentiment to say that the divorced wife is still his wife and she is supposed to be a woman not have been divorced at all. But, if she says, 'I am divorced', and not only that, she has been divorced and she has re-married and procreated some children, what is going to happen to the sentiments of the first husband who is divorced?

Then I will proceed further. In this enactment, strangely enough we are trying to repeal some Acts and in clause 18 it is stated "The British Nationality and Status of Aliens Acts, 1914 to 1943, are hereby repealed in their application to India". But I may point out, with your permission, that the British Nationality and Status of Aliens Act of 1948, by its schedule IV, already has repealed all these enactments, that is, from the years 1914 to 1943. If these Acts are repealed by the Parliament, which enacted them, by the Act of 1948, what is the point or significance—at least I fail to understand—in having a clause in our enactment that we repeal all those Acts? Is it the contention of the Government that these enactments, which have been removed from the English statute-book, still continue as far as we are concerned, in their application? If that is the contention, I would like to ask: What is the statute or enactment by which we adopted all these measures so as to give them continuance? As I understand the Constitution—and my understanding is not very deep of the Constitution—I feel that any enactment, to have a binding effect as far as we are concerned, must be passed by this sovereign body according to the Constitution. If there is any enactment passed by us—but every day we are minting so many laws that it is very difficult to keep track of any particular enactment—I should like to know whether there is any statute by which we adopted these British Nationality and Status of Aliens Acts from 1914 to 1943. What is the point, I would like to know from Pantji, in repealing statutes which had already been repealed so far back as 1948 by the British Nationality Act? That is my question.

Then I do state that there should be some broader citizenship for every one of us. National citizenship will clothe us with some concrete rights and it will also clothe us with some concrete responsibilities, because every right has a corresponding responsibility, and I would expect the Government, and particularly the Select Committee, to embody in this particular enactment a table of rights and a table of responsibilities. There are some Acts in the Continent. Take, for instance, Switzerland or any other country there. There they not only define fundamental rights but also give in a detailed form the fundamental responsibilities, duties of the people as far as serving the country at any time, etc., are concerned. Let

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us have all these things. I should like to know: What are our duties as members of the Commonwealth and as citizens of the Commonwealth? As I said they are left undefined. Clause 11 says in a very self-satisfied and complacent manner "Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India." What does that status indicate, what are its implications, what rights it generates; and what responsibilities flow from it are left undefined to the conclusion and wonderment of the citizens of this country. I do want to plead that we should have some broader citizenship, but that broader citizenship should be based on territorial affinity and contiguity of ideological affinity. Some of the countries in Asia are in the same stage as we are. We share common objectives and we have common aspirations. Let all such countries come together and develop a common citizenship. Some ideological community or territorial contiguity should be the basis of such a citizenship, and I am very proud to say that our Prime Minister is the chief person for developing this new slogan of Panch Shila. He is bringing in so many countries within the ambit of peace-loving federation. I would make a suggestion if it is possible for the House to accept it that we must develop some citizenship—let us call it Panch Shila citizenship—and I would say that every country which signs this declaration of Panch Shila must by that very act of common declaration, when they exchange notes making declaration in similar terms, also exchange citizenship. Let us exchange citizenship with every country that wishes to join that declaration. Let India have a common citizenship with the Bandung countries. If other countries join this, let us reciprocate this. We will go together not only for the purpose of peace but we are then more solidly bound together by a bond which it will be difficult to snap. That sort of citizenship based on territorial affinity or ideological community would be the basis for expanding it into a sort of world federation, the citizenship of which will be co-existent with the citizenship based on national origin belonging to a country. This is one of my definite suggestions.

Then I would go to the other clauses. Others have criticised some of the clauses. Particularly I do not like the provision made under the deprivation clause for the purpose of depriving a person of his right of citizenship. Take for instance clause 10. You will realise that some of the matters which are brought under this particular clause are matters of evidence—not only matters of evidence but matters of appreciating the evidence. Take for instance sub-clause (2); under it, (a) and (c) are matters of evidence and the man is expected to lead evidence for proving certain facts mentioned there. What is the forum before which he will be called upon to produce evidence? The committee will be the committee of inquiry consisting of a chairman, which will be a child of the executive. This is a suggestion which has been copied exactly, without even dashing the T's or dotting the I's from the British measure. I am not prepared to accuse our Government, but this Government, in the matter of legislations for our country, is actually in the habit of borrowing word for word from the British enactments. When in literature one borrows from somebody without mentioning the source, we call it plagiarism, and I should like to call this sort of thing as a legislative larceny, but I do not want to say so.

Shri Gadgil: Is it moveable or immoveable?

Shri S. S. More: My friend is encouraging me to say that I should advance it as a charge against the Government, namely, that they are guilty of legislative larceny. But, Sir, I feel that under certain circumstances and situated as we are, facing many handicaps, for our guidance we will ve to go to different countries. But t us be honest and mention our urce. If we go to England and do me borrowing, let us say that it is anufactured in England. If we rrow something from China or mething from Russia or something om any other country, let us owe legiance to that fact so that what-er we bring to this country will t be carrying the isolated brand of y particular country....

Shri U. M. Trivedi (Chittor): No py right over it.

Shri S. S. More: But it will be the ppy amalgam or blending of all the od things in this world. My sub-ission is that if we are borrowing is committee of inquiry, let us have judicial committee. The high courts e there, the Supreme Court is there. ue to our legislation a large portion the cases that go to them is likely be taken away and all these judges re likely to find themselves in the osition of the unemployed. Why not sign some of the responsibilities to e High Court Judges? If that is ot acceptable to the Minister or to e Joint Committee, I would make n alternative suggestion that what-ver be the finding of this committee, should be made appealable to the igh Court. There is no section in is which says that the recommenda-ions of this committee will be bind-g on the Government. You may ccept it if it is convenient or reject if not convenient. I would say that citizen of the country whatever ationality he may possess, whatever he region from which he comes to his country—he should have that ssured protection of the judiciary nd any such Act should be made if ossible subject to the decision of the igh Court or the Supreme Court. hat is my suggestion.

This Act has left some important aps. Take for instance section 23 of he British Nationality Act. It refers o the legitimacy of children. There s nothing similar to that in our measure. Section 24 refer to posthumous hildren. Another section deals with how evidence is to be led. If we compare our measure with some of the continental measures we find that the rights and responsibilities have to be carefully defined in these cases so that this enactment shall be a self-contained enactment. Any citizen reading that enactment will be conscious of his rights and will also be aware of his responsibilities so that he will get a complete picture of what he stands to gain and what he stands to perform if he accepts this particular citizenship.

Shri Gadgil: I have listened with great attention to the speech of my esteemed friend, Shri S. S. More. That only convinces me that the law of citizenship is the most complicated matter. It has been found very difficult not only in this country but everywhere else to define with anything like preciseness what exactly is citizenship. Therefore, whatever attempts we may make here should be attempts made, as was said by the hon. Home Minister, on an all party basis, and since we are the last country in the Commonwealth to enact a law of citizenship let us, by all means, profit by what other countries—both inside the Commonwealth and outside—have done in this respect. I would also urge that every attempt should be made to make this law as foolproof as possible.

Now the basis of citizenship is loyalty or permanent allegiance to the head of the State or the vague but noble conception of nation and that vagueness has really given meaning to every constitution in the world. The indication is to be found in the form of the oath or allegiance that has been prescribed in every law of citizenship and also in this Bill. No nation can say that it is complete unless it has got a law of citizenship. As far as India is concerned, before August 1947, the law that governed the citizenship of India was the British law of Nationality and Status of Aliens enacted in 1914. With Partition in 1947 there was not any automatic conferment of citizenship and the result was that the internal status

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of our own people as well as the international status remained more or less in that vagueness to which reference has been made by Shri S. S. More.

Shri S. S. More: We remained a dominion.

Shri Gadgil: Now, what was the position at the time when we passed the Constitution? Then, obviously there was not enough time to have a full-fledged law of citizenship passed. Therefore, some sort of *ad hoc* arrangement was made whenever any such arrangement is made it has got all the defects which an *ad hoc* arrangement usually possesses. In the Constitution certain provisions have been made they were related to a particular date—March 1948. Persons domiciled in India who were born in the territory of the nine States, nine major princely States and ten other States and so on were considered as citizens. Any person domiciled in India either of whose parents was born in the territory of India as defined—apparently without regard to whether any such person was otherwise not a British subject, for example the child of an Indian mother and an alien father, born in a foreign country and any person who has lived at least for five years in India immediately before the entry into force of the Constitution—they were all given citizenship. Then, there were migrants from Pakistan who had ordinarily resided in India since their migration or who having migrated on or after 19th July 1948 had applied for and received registration as citizens of India.

Now, it left a great loophole. There was no provision for persons who were born after the Constitution came into force. It made no provision as to the future. It was a mere declaration as to who were deemed to be citizens on the date of coming into force of the Constitution.

Further more, what is more curious is this: the citizenship provided for in the Constitution is relevant only for a particular purpose, namely, eligibility for the offices of President, Vice-President, membership of Parliament, Governorship of a State or membership of a State legislature. But so far as the membership of Parliament or the State legislature is concerned it has been made clear that the candidate shall not only be a citizen but shall not have voluntarily acquired citizenship of any other country. But it is not expressly stated that a Central Minister or a State Minister, a Judge, the Comptroller and Auditor-General, the Attorney-General or the Advocate-General of a State must be a citizen. This anomaly was pointed out very often and the Constitution itself made a provision that in due course a full-fledged citizenship law would be passed.

This Bill is now before us. Any Act of citizenship means two things: one question of policy and the other of technique. So far as the question of policy is concerned, we have to consider what should be our attitude towards the question of dual citizenship namely, citizenship of India and citizenship of the Commonwealth to which reference has been made in one of the clauses. Secondly, we should consider whether we should open very broadly the gates of admission by registration or naturalisation to all sorts of persons and whether in doing that we should not take into consideration our economic position of today and what it may be tomorrow as well as considerations of security. Today our State is a secular State; I want it to be a secure State also. From that point of view the essential basis of citizenship, as I have said earlier, is loyalty to the Head of the State or that vague but noble conception of nation. It is not that I am not unmindful of the context in which this country has attained its freedom. The very fact of freedom has resulted in certain consequences which are too well-known to be referred to here. Is it our intention to allow everybody from Pakistan, ither from the west or from the ast, without any restriction? The nly test so far we have laid down s the objective test, that he should ave been ordinarily living under a ermit for a qualifying period of a ear or two. Is it our intention that here should be some other test?

Now, in this connection I might efer to the procedure because a point ad been made by certain speakers hat it should be a judicial procedure nd a judicial affair—whether that articular person has qualified to be citizen of this country or not should e a matter which should be regu- rly enquired into by the court and e pronouncements should be judicial ronouncements. It has also been riticised,—even by Shri S. S. More,— at so far as the termination or rfeiture of the citizenship granted nder the clause of naturalisation or gistration is concerned, it should lso be not an executive act or an dministrative act. Here, I may ate for the information of the ouse, that so far as the Common- ealth countries are concerned this as been an executive act, as adminis- ative process and whether citizenship to be granted or not is in the omain of the executive and there is appeal whatsoever. Only one untry—South Rhodesia—from the mmonwealth first followed the ttern of the United States of Ame- ca in this respect, but later on it ve it up for reasons which are so vious.

Now, if you are anxious, as I said, at your State must be a 'secure' ate, before it is a 'secular' State, en you must take pretty good ecautions and not allow every- ing in this connection as well as in e connection of forfeiture of the izenship rights to be a judicial pro- ss. I think wisdom tells us—not ly so far as our circumstances are ncerned, but the experience of her countries will also tell us— at it is much better that the pro- ss should be administrative. All at I can suggest in this connection that over the decision taken at the first instance or at the first stage there should be a sort of revision or review by the Central Government in the Home Ministry, because it may be that discretion may have been wrongly used. Nobody claims infallibility, and I hope I am right when I say that the Central Government also does not claim infallibility in every respect. Therefore, there may be some chance for decision of this character being reviewed finally in the Home Ministry.

Having said that, I think we must also consider the question of our economic position today and the fact that we are having a planned economy in which we have kept target of production, target of increase in population, and see that the whole thing is integrated from those points of view. We must see that in the next five years or thereafter a flood of immigrants does not come. We must not be guided in this matter by certain sentiments, which are very normal. I respect them. But, the fact that the interests of those who are already here as citizens should have a priority. This might look somewhat unkind on my part, but I am a realist and therefore I am suggesting, with due deference to every Member of this House, that so far as those who are coming from Pakistan hereafter are concerned, whether they are Hindus or Muslims, or Muslims who had gone there and are returning, it is a serious problem and I hope that in this connection the doors of naturalisation or registration will not be kept very widely open so as to disturb our economy in the near or far future.

Now, you have the other question of policy namely, with respect to the Commonwealth citizenship. In this connection, I find that there is some sort of incongruity in clause 11 and clause 12. Clause 11 says:

> "Every person who is a citizen of a Commonwealth country specified in the First Schedule

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> shall, by virtue of that citizenship, have the status of Commonwealth citizen in India."

Clause 12(1) says:

> "The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule."

What is being done is, a distinction is being drawn between citizenship and actual status of citizenship. That distinction, I know, is known to the British Nationality and Alien States Act of 1948. In that Act in section 13 a situation has been contemplated in which the man is not a citizen of U. K. or of the British Commonwealth, but it does not mean that he is an alien straightaway. An intermediary status between a regular citizen and an alien is contemplated and that is what they call the status of a Commonwealth citizen. Therefore, our position after independence and before this Bill was introduced is this: that we are British subjects but not British citizens and since we are not British citizens there is no obligation which normally flows from the taking of the oath or obligations which flow from the very fact that you are a citizen of this country or that country. So, that part of the argument which was advanced with so much vigour and, let me say, learning, by my hon. friend Shri S. S. More, does not now remain.

Shri S. S. More: Does it mean that a British subject is not expected to be loyal to the Crown?

Shri Gadgil: As I said loyalty has a definite relation to citizenship, and status is a different affair. That is the distinction actually drawn in the Act itself and if it suits us we should have it.

The point really is whether what we are giving by clause 11, and what we are limiting by clause 12 should be allowed to continue or whether we should delete clause 11 altogether and say that so far as the citizens of countries mentioned in Schedule I, namely, the Commonwealth countries, are concerned, they will be given a status in terms of reciprocity, this, that and the other.

So far as the actual Acts passed by the various Commonwealth countries are concerned, there is a variety. In fact, this whole business started after the Statute of Westminster. I am not recapitulating the legislative history in this connection, but the whole thing was in complete vagueness and in the atmosphere of uncertainty. The Canadian Act of Nationality was passed in 1946. Then followed the Acts by South Africa, New Zealand, Australia and other countries. Now, in all these countries, in all their Acts, there is something which is techincally called a common clause. It is there actually in the British Act. It is there in the Act of Canada, but in certain other Acts we do not find what is called the common clause. The essence of the common clause is that citizens of other commonwealth countries will enjoy the status which is higher and different from the status of aliens. This is all to the good because it does mean advantages so far as travel, trade facilities and such other matters are concerned. Whether we should have them or not is another matter. But there are instances of two countries which are very relevant in this connection, namely, those of South Africa and Pakistan. In these two countries, I would like to say that they have taken a different line. So far as the common clause in the South African Citizenship Act is concerned, it is not made part of the Act, but the definition of an alien therein does not include a citizen of another commonwealth country, nor, as is provided in various Acts, can the citizenship be had on an application or after having lived for the qualifying period in a straight manner. That is not possible so far as the South African Act is concerned. When we are acting the Citizenship Act in the ntext of circumstances in which we d ourselves, it will be very good the Joint Committee goes through provisions of the corresponding kistan Citizenship Act of 1951. at Act also does not contain the mmon clause, but the definition of alien therein contains or rather, e that of the South African Act, cludes citizens of other common-alth countries from the category of ens and provides that a Pakistani izen shall be a commonwealth citi-n. So far as we are concerned, we ve not stated in this Bill—and that all to the good—that Indian citi-ns shall be commonwealth citizens, cause obligations of citizenship are burden and the obligations of dual izenship are too much of a burden. art from this, the political conse-ences of this type of dual citizen-ip are serious and derogatory to e self-respect which a republic like dia must have. There is no doubt out it. I may point out what Pakis-n has done. Under the Pakistan t:

> "A person is deemed a citizen if (a) he or any of his parents or grandparents was born in the territory of Pakistan and he had not permanently resided elsewhere after the date of independence; or (b) he or any of his parents or grandparents was born in univided India, and he was domiciled in Pakistan at the date of entry into force of the Act, or (c) he had been naturalized with Pakistan and, if he had subsequently become a national of a foreign State, had renounced his foreign nationality before the date of commencement of the Act; or (d) he, being at the date of commencement ordinarily resident outside Pakistan, made within one year a declaration that he was not a national or citizen of any other country and that he claimed Pakistani citizenship by reason of the place of his own birth and that of any of his parents or grandparents. Persons migrating to India after 1st March 1947 are, however, excluded from the operation of these provisions unless returning under a permit of resettlement or permanent return."

But I do not think any person who has migrated to India will ever go back to Pakistan and apply for re-registration or for citizenship. What is happening is that the traffic is almost one way and things have become considerably bad, and if the statement of the hon. Minister of Rehabilitation is correct, there is a growing stream of people coming from that State, not only Hindus but Muhammadans. As I said a few minutes ago, it is a matter of policy and it being a matter of policy, today or tomorrow, the Government will have to take its own decision. What I am urging is that while the Select Committee sits down for detailed consideration of this Bill, some of the provisions which one finds in the various Acts of the commonwealth countries as well as others should be thoroughly gone into, and what is far more important is that the questions of policy with respect to commonwealth citizenship or even that of status and our economic position should be taken into consideration.

While we are considering these things, I think the Bill is based substantially on well-accepted standards and principles. The principal questions of policy are whether to concede full effect to the *jus soli*, the principle that place of birth determines nationality; how much effect to concede to the *jus sanguinis*—whether descent shall carry nationality at all, and if so, whether for more than one generation, whether in the female line as well as the male, and whether descent shall operate automatically or only upon the official registration of birth; whether and to what extent multiple nationality is to be tolerated; and how to regulate the status of married women.

In this connection, so far as the status of married women is concerned,

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Pakistan Citizenship Act has a provision saying that it does not mean that because an alien has married an Indian citizen, automatically she becomes a citizen of Pakistan. This is a matter in which one cannot speak fully and freely but what is safe from the point of view of this country must be borne in mind, and where a citizen is a citizen under category (a), namely, because of his birth or by his descent—even there—may respectfull suggestion is that the status of citizenship should not be automatically conferred. There must be some qualifying period before the married woman who has been an alien has married a citizen of this country under category (a) and category (b). So far as the married woman of a person who has been registered or who has been naturalised under the other categories is concerned, the qualifying period must be much longer. The reasons are obvious.

There is only one more point left and that is the one to which reference was made by Shri S. S. More. It was about the conditions under which the forfeiture should flow. The clause says:

> "(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government established by law in India;"

His argument was that this is a sort of differential treatment because a national, not under these categories, can criticise the Government, can do this and that, and the only punishment he can incur is a trial and if the court finds him guilty, he goes to jail. As I have said, this very thing, namely, the naturalisation and registration are not a normal thing. They are exceptions so far as the law of citizenship is concerned. There may be adventurous people and they may come under the qualifying circumstances and perhaps citizenship of this country will be conferred on them. With their international connections, it is just possible that they may do all sorts of things. They might plead "we have done nothing against the State but we have done something against the Government". This distinction is good for purposes of political science. But so far as administration is concerned, the security of the country is concerned and the experience one has of the world during the first World War and the second World War and between the two wars is concerned, I am of the view that this is altogether different from the basis on which the normal citizenship Acts are enacted. This might to some extent, one may say, interfere with the normal conception of civil liberty. As I said, I want my State to be secure, because if the State is secure, then liberties are secure.

Shri S. S. More: This refers to Government and not to the State. A Government may come and go, but the State continues.

Shri Gadgil: That is exactly what I have said. We will draw the distinction, as I have said, between doing something against Government and nothing against the State. This provision is, in my humble opinion, absolutely necessary. The only safeguard that I wish to suggest is, whatever order may be passed in the first instance should be revisable or should be reveiwed either *suo motu* or at the initiative of the party concerned by the Ministry of Home Affairs in the last instance. I am therefore submitting that this Bill should be considered from the aspect of evolving a law of citizenship which will be adequate from the point of view of security and will give a fair deal so far as the enjoyment of liberties and the like are concerned to those who choose to come to India. That they come and ask for the citizenship of India is a great tribute that our State is functioning on the right line, but, at the same time, good can be turned into evil if it is not properly managed. I therefore respectfully submit that this Bill should be thoroughly scrutinised and should be made adequate and model if possible.

Dr. Krishnaswami (Kancheepuram): After having listened to my hon. friend from Maharashtra, I cannot help feeling that issues raised by this Bill are of far reaching importance and great moment, that no purpose will be served by rushing it through the Joint Committee. It is my expectation that the Home Minister who has been admirably responsive on other occasions, submissively responsive—to quote his felicitous phrase in another connection—will give due weight to our suggestions so that the Bill undergoes a sea-change when it emerges from the Joint Committee.

Let me straightaway deal with two basic issues which have been raised: Who are to be considered as Indian citizens: How is citizenship to be acquired by a person? Following the doctrine that any person born in Indian territory owes allegiance to the State, we have accepted the principle of citizenship by birth. Of course, one of the advantages that flow from acceptance of this principle is that it avoids statelessness—the curse of modern States. The choice, however, is given to the citizen on attaining majority to renounce the citizenship that he has acquired by birth. The other category of citizens are persons born outside our territory, but to nationals of our State; they are conferred citizenship by descent. The Bill has adopted the English principle of descent through males, but the corollary to this, namely, that of legitimacy, has been overlooked altogether in this Bill. In countries where the principle of legitimacy has been discarded, descent is allowed both through males and females. In the United States of America, in Australia and in Canada, this rule has been followed. It is a question of social policy, it is a question of what view we entertain of the family, it is a question of what view we have of religious obligations, which will determine whether we are to confer citizenship on a person born outside our territory irrespective of whether he is born in wedlock or out of wedlock. In the case of citizenship by birth, we have accepted the principle that every person born in our territory, irrespective of whether he is born in wedlock or out of it is *ipso facto* citizen. Since citizenship by birth and descent are placed rightly in the same category, I see no reason why in respect of citizenship by descent, we should attempt to distinguish between descent from male line and descent from female line.

Now I pass on to acquisition of citizenship by persons. There are two methods for acquiring citizenship. The Home Minister referred to the methods of registration and naturalisation. We have followed, I am afraid, the British pattern as embodied in the British National Act of 1948 closely, far too closely, to do any good to our country. Let me analyse the categories of persons that can register a bit closely. Those who can register must be either persons of Indian origin or Commonwealth citizens or married women. Now there has been waged in this House a controversy over the status and privileges to be enjoyed by Commonwealth citizens; I should like, however, to point out that the principle of registration adopted in this Bill is eminently sound on two grounds. Firstly, it is on the basis of reciprocity that we will grant citizenship. Secondly, it is a matter of discretion resting with the Government as to whether Indian citizenship will be granted to Commonwealth citizens. In this connection, I should like to mention that in almost every country, the granting of citizenship is purely within the legislative competence of the State. It is only in the case of deprivation of citizenship that a court's jurisdiction has been invoked in certain countries. In the United States of America because of the presence of the due pro-

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cess clause, the jurisdiction of the courts has been invoked in some cases successfully to prevent deprivation of citizenship. But this provision relating to registration refers to acquisition and the Home Minister will bear with me when I suggest that our draftsmen who copied the British National Act have forgotten an essential difference in position between our two countries. Persons of Indian origin should not have been placed on the same basis in the matter of acquisition of citizenship as Commonwealth citizens. Even persons who became citizens under articles 6 and 8 of our Constitution and have so far been treated on the same footing as citizens by birth or descent, are now put in the same category as Commonwealth citizens. What are the legal consequences that flow from putting them in the same category?

Pandit Thakur Das Bhargava (Gurgaon): Persons who were citizens at the time of commencement of the Constitution are not to be registered.

Dr. Krishnaswami: I am referring to articles 6 and 8 of the Constitution which refer to registration.

Pandit Thakur Das Bhargava: Those who are citizens by virtue of articles 6 and 8 of the Constitution are not to be re-registered.

Dr. Krishnaswami: I am referring to the legal implications of registration because it is in this area that things are in an ambiguous state.

We are facing grave and serious problems. We have had and are having a flight of migrants from East Pakistan. We have also to take into consideration the treatment of people of Indian origin in Ceylon, which has today rendered them stateless and which may create many difficulties for us in the future. These migrants who have settled down in India are stateless. They might have been treated *de facto* as citizens, but those who came after 1948 or who did not register themselves under article 6 have to register under the new provision and even after registration, they will be deemed to be citizens only from the date of registration and not from the date of their entry into our country. What consequences follow? This Bill will become law sometime in March; it will thereafter receive the President's assent in April. Thereafter steps will be taken to register refugees and this will naturally take time. The result may well be that on the qualifying date prescribed for being voters in the next General Elections, the migrants will not be citizens at all. It is a matter which we will have to go into more closely and which I hope the Joint Committee will go into thoroughly because it raises an issue of great importance, namely, whether we are going to have a large disenfranchised body of *de facto* citizens on the eve of the elections. But I have a more fundamental objection to make. Persons of Indian origin should not be put in the same category as Commonwealth citizens. For the provisions relating to deprivation of citizenship apply to those who are registered whether they are of Indian origin or Commonwealth citizens or married women. They will not be on a par, therefore, with citizens by birth, although it is by accident of history and geography that they were born and resided on the other side. You may have rules for registration, and my friend Shri Gadgil referred to the security of the State being one of the considerations which should be taken into account in registering even migrants of Indian origin.

1 P.M.

Pandit Thakur Das Bhargava: Why should he be re-registered?

Dr. Krishnaswami: Because, you cannot automatically admit people of Indian origin from another state into citizenship without registration. What I suggest is that they may be placed in a separate category as in article 6 r article 8 of the Constitution, requiring only registration, but exempted altogether from the operation of he deprivation clause. The draftsman's disease of copying a section without understanding its implications has landed us in this difficulty. This is a basic question of social policy which has to be decided upon by the Joint Committee. Are we going to allow citizens of Indian origin, who for no ault of theirs are rendered Stateless, who by their residence in this counry have shown themselves willing o hare in its obligations, to be placed n the same category as Commonwealth citizens? Are we going to make such strict rules as to make it mpossible for them to become citiens and exercise their franchise in he coming elections? Are you going o saddle them with the restraints hat Commonwealth citizens and married women may be saddled with, especially in the matter of deprivation f citizenship rights? I venture to hink that much of the criticism that as been voiced from this side of the ouse regarding deprivation of citizenship rights would lose its sting if e place these people in a separate ategory exempting them altogether rom the deprivation of citizenship ause altogether.

Clause 7 is most ambiguous. I hope he Home Minister would peruse it ith care. It is worded thus—I would ke him to bear with me while I am uoting:

> "If any territory becomes a part of India, the Central Government may, by order notified in the official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order."

What are the implications of this ause? Clause 7, as it is worded, ves me the impression that it is innded to be operative in the future. What of Chandernagore, which is *de jure* part of India? What of Pondicherry which might become, before this Bill becomes law, *de jure* part of India, in which case we may not be able to confer citizenship? So the inhabitants of Chandernagore and Pondicherry may not have a chance of becoming citizens of India.

Shri S. S. More: It does not refer to future citizens.

Dr. Krishnaswami: The wording, 'If any territory becomes a part of India', refers only to something which will occur in the future. 'Becomes' has reference to something which will take place in the future.

Shri S. S. More: It does not.

Dr. Krishnaswami: My hon. friend may exclaim, it does not. But this is my interpretation and I feel that there is sound sense for my interpreting it in this manner. I came to this conclusion by giving the clause a plain meaning.

What has occurred is that in this instance also draftsmen have copied a similar provision in the British Nationality Act. In the case of the British Nationality Act, this problem did not arise. Probably, the clause may be rectified by a simple modification.

I have however a fundamental criticism to make of clause 7. Granting of citizenship, is after all, a legislative function. We can, however, delegate powers to the executive. But standards have to be laid down. The clause, as it is worded here, gives the impression that the administration can run riot; if it passes through this House in the form in which it is there is a danger of administrative discretion running riot. Here according to clause 7, it is the Central Government that is called upon to exercise this discretion. It is not as in the British Nationality Act where the Home Minister is given the authority to admit persons to citizenship. Suppose, by chance, the Central Government decides to admit a certain class of

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persons into citizenship while excluding other classes, what is there to prevent the aggrieved from going to the Supreme Court and invoking article 14 which applies equally to aliens and citizens, and complaining that equal protection has not been given to them? I suggest that there ought to be a suitable modification of this clause and the Joint Committee should consider the modifications which would have to be effected—modifications which do not derogate from our legislative independence and which at the same time assure the executive reasonable freedom for enrolling citizens.

Let me now consider the clause relating to termination of citizenship. Here again this clause is the result of an assiduous exercise of scissor and paste. The interpolation embodied makes nonsense of termination of citizenship. What the clause says is 'any person'. This can be, if either the father or the mother decides to renounce citizenship, that the minor children *ipso facto* cease to be citizens. Why should they cease to be citizens? What in the name of reason is there for suggesting that minor children *ipso facto* cease to be citizens ? What grounds of social policy justify this treatment? I therefore suggest that sub-clause (2) may be omitted altogether. No harm will result to the State.

Shri S. V. Ramaswamy (Salem): What of the priviso to sub-clause (2)?

Dr. Krishnaswami: There is nothing there.

Mr. Deputy-Speaker: He can register himself after attaining majority.

Dr. Krishnaswami: A minor *ipso facto* ceases to be a citizen. That he can thereafter register is a different matter. What has happened is that the draftsman has taken this proviso from the resumption of citizenship under the British law and married it to renunciation of citizenship. This marriage can be now annulled. On the other hand, a minor, on attaining majority, can decide to renounce Indian citizenship, if he so chooses.

Let me pass on to another point—a controversial point of manifest importance. My hon. friend Shri Gadgil, in his speech, referred to clause 10.

Mr. Deputy-Speaker: If the minor does not lose his citizenship, what happens if the father goes to some other country and becomes naturalised there?

Dr. Krishnaswami: What about the mother?

Mr. Deputy-Speaker: The mother and the father go. The mother is *sui juris*. She can get herself registered. An exception has been made in the case of married woman. She does not lose her citizenship merely because the husband changes. It is only with respect to the minor children here. If the father goes to some other country and becomes by naturalisation or registration a Citizen of the other country,—the mother also can get registered there—the child that goes along with them will be an alien in that country. Because, the child will continue to be a citizen of this country though the father becomes the citizen of another country

Shri S. S. More: You are stating the opposite point of view.

Dr. Krishnaswami: Exactly. That is the odd feature about this provision. If either the father or the mother renounces citizenship, automatically the minor child ceases to be a citizen.

Shri S. V. Ramaswamy: Because he is not *sui juris*.

Dr. Krishnaswami: It has no relevance to the point I am making.

Shri S. S. More: The father may change; the mother continues here.

Dr. Krishnaswami: That is a vaild point. Suppose the father changes and the mother continues as a citizen f India, what is to happen to the ninor children? Should the minor hildren also take up the citizenship f the father? If, on the other hand, oth the father and mother decide to enounce citizenship, then, there is ome meaning in saying that the ninor children also should take up he citizenship of the parents. In the Naturalisation Act of 1926, a provision was made for this contingency. In act, that is one of the salient provisions which could have been adopted without doing violence to the scheme nd sequence of this Bill.

Let me now pass on to clause 10. This clause has come in for a good deal of criticism. My hon. friend Shri Gadgil referred to the phrase 'disaffected towards the Government established by law in India'. It is now too late to justify the retention of this clause. I think it ought to be realised, especially after the Supreme Court and various other courts have pronounced on the startling consequences that would follow from having the phrase, 'disaffected towards the Government established by law', that we should omit it altogether. Disaffection towards the Government cannot be a ground for depriving a person of his citizenship. If this is omitted we have only disloyalty to the State as a ground for depriving a person of his citizenship. My first impluse is that we should not confer power on the courts to interfere. In these matters, when a registered or naturalised citizen is deprived of his citizenship, difficulties arise. Even in the United States of America where the courts have been reluctant to exercise their powers of review and consideration of the circumstances that led to the deprivation of citizenship, it has been pointed out that international complications will result. It is probably from this point of view that the jurisdiction of our courts has been ousted. But if we oust the jurisdiction of the courts, there is all the more reason why we should clearly define the conditions under which the executive can deprive a person of his citizenship. As I have pointed out, in this Bill, unlike in the British Nationality Act, a reference is made to the Central Government. The "Central Government" may mean anything. It consists of many officials. It might mean a Joint Secretary or a Deputy Secretary or an Under-Secretary, any one of whom is an "appropriate authority". Therefore, there is a chance of this power being abused. It would be a different matter, and to a certain extent a valuable safeguard, if the Home Minister goes into every question of deprivation of citizenship, puts up the case before the committee, has it considered and then, if necessary, reports to Parliament on why there has been a deprivation of citizenship. If the circumstances warrant such deprivation, I am sure Parliament would approve it.

Let me deal with another point. Clause 13 must have given several hon. Members a headache:

> "The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date."

Shri S. V. Ramaswamy: That is copy of section 25 of the British Act.

Dr. Krishnaswami: My hon. friend has made no discovery. I am not going to stick to the copy. I am going to consider it on its merits. The clause as worded is extremely wide and ambiguous. The words "a doubt exists" mean that a doubt may exist regarding even a citizen by birth, or a citizen by descent or of any one of the citizens who have been placed in different categories. I should be very

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reluctant to allow it to be decided by the Central Government without its having some sort of advice given on this matter. Doubts may well be with respect to facts, or may well arise in respect of the legal position. I therefore suggest that this House and the Joint Committee should consider whether it would not be advisable, under article 143, to obtain the opinion of the Supreme Court on whether a certificate should be issued or not. After all, the cases which come up would be few.

I would like to point out that in the case of citizenship in our country we have recognised dual citizenship to a very limited extent. This is not going to act as a fetter on our authority or autonomy, and I, therefore, think that this Bill has taken a step in the right direction by extending the facilities for acquiring citizenship to Commonwealth citizens. If only we can have the migrants and the people of 'Indian origin', some of whom might be squeezed out from Ceylon and whom we would have to admit on fairly liberal terms into our country, if only we can have them put in a different category from the Commonwealth citizens, exempted from the deprivation clause altogether, I think we would be able to do justice to this unfortunate class of persons who, through no fault of theirs, through only an accident of history and geography, have been forced to go out of their country, and have given ample proof of their willingness, ability and patriotism to serve our country.

Pandit Thakur Das Bhargava: The question of citizenship is always very difficult. This conception of citizenship has evolved through ages, and previously only such persons who were citizens of a State as such, that is who were born there, who had their roots there, were really regarded as citizens of that particular State. I do not know whether it shall be useful for me to refer to the history of citizenship as it existed from time immemorial. We read of the theory of social contract, we read of *partria potestas*, we read of allegiance to the Crown and many other things which were the foundations of citizenship in times of yore. At present those persons who are not born in a State also become full citizens. As between citizens by naturalisation, by registration, by birth, by descent and incorporation of territory there is no difference in law. A citizen is a citizen, and enjoys all the rights of a citizen. The only difference is between a citizen and an alien. There is no other difference,—even if a citizen of another territory which is included in the Commonwealth countries comes here and registers himself. There is no difference between citizens born in this country or registered or even naturalised, except in respect of liability to deprivation etc.

When our country got independence, our status and our conceptions about citizenship were both vague. We did not know where we stood. The first attempt that we made was in the Constitution of conferring citizenship and defining it. In the Constitution also we did not go into the matter thoroughly though it was a very much debated question, and it was last of all perhaps that we decided about it. We took quite a long time. All the same, we only decided it for the time being, and in deciding this for the time being we were cautious enough not to take away any powers of the future Parliaments. Generally matters dealt with in the Constitution cannot be changed and we have got a particular article in the Constitution itself explaining how the Constitution can be changed, but in regard to citizenship I am very glad it is not required that we should amend the Constitution before we can amend what we have got in articles 5 to 9. Article 10 says:

> "Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, continue to be such citizen."

That means that we are authorised, we are competent, even to change the law so far as the continuance of citizenship is concerned. Article 11 of the Constitution reads:

> "Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship."

I am very glad that we have now really got a clean slate. We are competent to do what we please. We can change any of the articles from 5 to 9, and we are perfectly competent to deal with the matter as we like.

Taking this to be the legal position, I want to examine the question whether we are justified in having all the provisions that we have got in this new Citizenship Bill. I am at one with Shri Gadgil when he says that in a matter of this nature, every State has got full right to do as it pleases, and at the same time, it must determine and make such laws as are consistent with its position, with its security, with its economic stability etc. I would, therefore, examine this question from the standpoint of India, of ourselves as we are; I shall not go into abstract questions.

I know that so far as this Bill is concerned, it has in many of its clauses almost an exact copy of the British Nationality Act of 1948. I for one do not object to that. We have taken many of our laws from England, and I am not ashamed of the fact that in some matters which are good for us we want to copy the British Nationality Act. As a matter of fact, our economy and our position are so very much dependent upon the continuance of British laws that we will not do better if we depart from them without any good reason. For instance, when we have copied many of these provisions, I would rather like that many of the provisions which we did not accept at the time we made the Constitution may be accepted now. In respect of some of them, we made mistakes at the time we made the Constitution, and we would be well advised in copying those sections now. In respect of others which do not suit me or my country, I am anxious that those provisions of the British Nationality Act may not be accepted by us at all.

Now, the scheme of our Bill and that of the British Nationality Act are almost similar to a large extent. But there are matters in which we differ, and I would call the attention of the House to both kinds of matters.

So far as acquisition of citizenship is concerned, under the Indian law, birth is the main point on which this citizenship rests. I should think, so far as birth is concerned, that it is not of such a paramount nature that on that alone we should base our law. Supposing a foreign couple come here in India, and by chance the lady gives birth to a child here, then I do not see any reason why the mere accident of birth should entitle that child to become a citizen of India. I do not see any reason in it. If they are Indian parents, or if they are rooted to the soil, they have got their affinities in India, there is the reasonable expectation that they will die in India, that they will have their being in India, that they will be supported by India and that they will serve India, then I can understand that a person so situated may claim that by mere birth he is entitled to citizenship. Be as it may, yet I find that it is too late to question this aspect of the matter, because under the British Nationality Act, and under our constitution also, we have accepted this position, so much so that even if a person is born in a registered ship in Bombay, if the ship is registered in England, he will be taken to be a person born in England; the same is the case in regard to a person born in an aircraft also. I think, therefore, that it is too late, and I would not question this, though I do not understand the reason why the accident of birth should determine the status, the nationality or the citizenship of a person. Barring this, I think

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we are now practically of the same view, so far as the British Nationality Act and our Act are concerned. According to article 5 of the Constitution, we made it a rule that any person born in India will become a citizen of India, and further that any person whose parents were born in India will also become a citizen of India. So far as this aspect is concerned, we went even further in article 6. In article 5, we narrowed it down only to parents, but in article 6 we went to parents and grand-parents also. I for one fail to understand how the fact that a person's grand-mother was born in a certain corner of India will entitle him who comes after her into the world sixty years later to declare that he has thereby a title to acquire the citizenship of India. The British Act therefore made a difference there, and said that descent only to a particular extent would entitle a person to citizenship. That Act has provided that if the right of the father to become a citizen was not by birth, then mere descent by birth would not entitle a person to become a citizen. Then, the other restrictions were also put on him that he must be registered in the consulate etc. I think now we have done the right thing, by adopting this in our new law and by saying that only if the father was born in India, descent would come to the help of the person; otherwise there must be registration, or service under Government etc., under clause 4. I think we have done well in accepting the British Nationality Act to be the basis of our law in this respect.

When I come to clause 5, I find that we have erred here, and erred very grievously. We have defined the words 'Indian origin' to be the same as we have accepted in the Constitution. In the explanation to clause 5, we have provided:

> "For the purposes of this section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents, was born in undivided India."

This is too much. I should think that we should revert back to the original principle, and limit it to the father alone, neither to the mother nor to the grand-parents. In regard to other matters also, in copying clause 5 from the British Nationality Act, we have not copied exactly what was contained in the British Act. At the same time, as I have submitted, we have made a great mistake in accepting some of the provisions which related to registration under the British Nationality Act. The first point that I would submit with all the force at my command is that we have failed to see that registration, so far as the British Nationality Act is concerned, is confined only to persons who come within sub-section (3) of section 1 of the British Nationality Act, that is, persons who belong to the Commonwealth countries usually, apart from married women etc. Registration is confined in England only to those persons who belong to the Commonwealth countries. And you will be pleased to see that there is no obligation on any of those persons to take an oath of allegiance. The very fact that those persons belong to Commonwealth countries entitles them to be registered as citizens of United Kingdom, provided they fulfil other conditions, the other conditions being that they are ordinarily residents of that place, and that they have been living there for the last one year, which are of very great importance. The underlying idea in all these provisions is that the person must be living in a particular place, and must have become an ordinary resident of that place. Ordinary residence has been defined in one of the Acts passed by our legislature, namely in section 20 (7) of the Representation of the People Act, (Act XLIII of 1950). That means that the person has been acclamatised here, and that he wants to make this as his home. In the case of naturalisation also, you ill be pleased to find that no quali- cation of original domicile is there, it a residence for five years is enough. hen, there was the further condition hat he intended to reside in future that part of the country. That eans that this country is a country adoption for him, that he proposes die here, that he proposes to live re, that he proposes to see that the ly thing worth living for is that untry, etc. That is the idea. But w, we have made a difference bet- een a *pucca* national of India under ause 4, a *kutcha* national of India der clause 5, a third-rate national India and a first-rate and a second- te national of India under other auses. I fail to understand what is means. Let me examine the atus of refugees in this context.

When the Partition was there, it as there with the consent of the aders of this country. As a result Partition, nearly 50 lakhs of per- ns came over here from West Pun- b, and nearly 50 lakhs went from re. Even now, from East Bengal, ople are coming to India in large mbers; and there has not been one sh only but there are several shes to those persons who are ced to come to India. We know at the repercussions in our coun- were when the Partition took ce. When the Punjabis came from at part of the Punjab, what did we ? Now, an essential condition in r Constitution is that a person can- t become a Minister or the Presi- nt of India or a Member of this rliament unless he is a citizen of lia. In the face of that provision, at did we do? All those persons o were members of the Provicial sembly in West Punjab were made mbers of the Legislative Assemb- of East Punjab. And all those per- s who held any appointments in t Punjab were given posts of res- nsibility in our country. And we sed a law in our Punjab that for eral years to come, all posts should given to those who had come from st Punjab. And what did we do our Constitution for those people?

I remember there was a proposal in the Steering Committee that all these 40 lakhs of adults—more than 40 lakhs of adults had come to India by that time—had all got to be registered by some magistrates; It was required that the refugees should have to make applications and file affidavits, etc. When I went to the Steering Committee I begged of them kindly to agree that they would not be required to do all these, because it was impossible to comply with them. On the first day they did not agree. On the second day, Shri Gopalaswami Ayyangar, Dr. Ambedkar, and others were there, and I pleaded again for this. They agreed that as a matter of fact those who came in 1948 would not have to apply, for by the mere fact that they had come here and were living here they would become as good citizens of India as we ourselves were.

I humbly beg to submit that the thing has to be visualized before we come to any conclusion. Do you expect that the thirty lakhs of Bengalis who have come in the past four or five years will make applications to the authorities and file affidavits? Each one of them will have to spend five to ten rupees for making affidavits and putting the stamps and going to courts. And what will be the amount of paper involved? Crores and crores will have to be spent by these persons.

When the Steering Committee agreed and put in this article 5, they admitted the force of this argument that it was impossible to ask these persons to file applications; and they agreed that any person who had come before 19th July, 1948 will not be required to file applications.

So far as the Punjab was concerned, very few people came after that date, because our Government had made such nice arrangements for them that they all came in 1947 or before July, 1948.

But at the same time, when we were given the push in East Bengal,

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we were quite uncertain as to how our Bengali friends who had come would behave, whether they would remain here or would go back, or what they would do. Therefore we agreed to this, that application may be made in respect of those who came after 19th July, 1948. Then it was decided—as you remember, Sir, the position was quite nebulous and fluid, we did not know what would happen, whether Government would be able to create conditions in Pakistan favourable to their return. We submitted to the Government that Bengalis were emigrating, but Government did not admit it originally, and we had to fight for convincing the Government. Ultimately when the push came—I remember all those things which you, Sir, may perhaps remember better than myself—it was said that territories of East Bengal should got vacated for these persons; it was Sardar Patel who said this, and I remember Pandit Nehru saying that other methods would be employed to see that those persons were properly treated in Pakistan or returned to their homes. What happened? Those methods have never been employed. Those districts have not been ceded. The thirty or forty lakhs of Hindus who still remain there are potential refugees. I do not see how our State can stem the tide of the coming of these East Bengal Hindus. These East Bengal Hindus are our kith and kin, the flesh of our flesh, the bone of our bone. I do not want to make any difference between those who are coming and those who have come in the year 1948. They are as much the citizens of our country as those Bengalis who have come during 1948—I am referring to those that have come after this date and to the potential sons of India who are remaining there and who are going to come during the coming years. Our State is helpless in this matter. We must admit here our policy has failed, and failed singally. We have not been able to stem that tide, and probably we will not be able to. They will give one more push as it is the policy of Pakistan that they do not want a single Hindu. They have made many promises, at the time of partition and subsequently. And we know that they have given pushes as occasion arose and driven all those people here.

I am absolutely clear in my mind I would not place these people on the same level as men from Pakistan or Australia or England or any such place. The Commonwealth people are our friends. We want to reciprocate with them and we want to give them facilities. We have a soft corner for them also. But there is no comparison between our feelings towards these people who have come as refugees from East Bengal and Punjab and those towards people who do not belong to our country. Clause 5 places them on the same footing; and I am submitting that it is entirely wrong in principle as well as in policy it is wrong in sentiment, it is wrong in reason, it is wrong in the philosophy of the matter of migration. Why should they be placed on the same footing as the foreigners? These persons have no other place under the sun. They are not Muslims who can go to Iraq, Arabia and other countries. They will come and live and die here. They are coming to India with a view to making India their permanent home and living here as citizens of this country.

I do not want them to take any oath of allegiance. The allegiance to the country is there in the very marrow of their bones. The very fact that they are coming, the matter of history and geography, as my hon. friend Dr. Krishnswami put it disentitles them to be treated as nationals of another country. By the very fact that they are coming—and Government is doing the right thing, making all the efforts for their rehabilitation—Government has recognised that they are persons whom the Government has to help in every way. The very fact that Government behaves in this manner shows that between Government and ourselves there is no difference on this point. Government knows they are our nationals. Then why put difficulties in their way? Why ask them to take oath? Oath is to be taken from persons who are registered, who belong to another country; because, when they come here, by courtesy or by reciprocity, we want that they should take oath and that they will abide by the rules of the State and will be faithful to our Government. But so far as these persons are concerned we do not want that. Why discriminate between a man who came in 1948 and a man who has come later? They are coming in the same way, on account of the same accidents and ressure. Such discrimination is pposed to article 14 of the constituion.

I think, and I agree with my friend who preceded me, that these persons must be placed on a different footing rom that of foreigners, and non-ndians. I do not want it to be said hat in respect of those persons who ut faith in the words of Mahatma Gandhi, Sardar Patel and Pandit Nehru and Pandit Pant and our other eaders, who stood to their post and id not want to come in 1947-48, when hey were pushed for the first time, overnment itself was helpless in ringing about conditions in which they ould live honourably in Pakistan. The elay in coming should not result in heir nationality or Status of tizenship becoming of an inferior ype. I want that they should be laced on the same footing as the ersons who were born in undivided ndia, who as a matter of fact are s much citizens of this country as e are except for the fact that our eaders accepted that partition and sked them to stay on where they ere.

This is not all. In regard to regisation I would submit one thing that s not been observed by any of the eakers who have preceded me and at is very important. And it is this. der the British Nationality Act, 48, persons who are registered have not to take oath. And therefore, as Shri More said, to say that they have to take oath and owe allegiance is not right.

Secondly, a very great difference is there. In respect of those persons who become citizens by registration according to the British Act the law is that they cannot be deprived of their nationality. So far as naturalised persons are concerned, the law is quite different. The registered citizens can only be deprived of their status in respect of one matter and one matter alone. Suppose a person gets registered by false representation by concealing something material, or by fraud; in that case alone can he be deprived of his citizenship and on no other account. But in India what are we doing in this proposed Bill? We are saying that if any of these refugees is disaffected towards the Government by law established, he can be deprived of his citizenship or if there is conviction for any offence for a year he can be deprived of the citizenship. Can I possibly agree to this? I think no person in this House will agree that any refugee who belonged to undivided India, who was born in undivided India, whose father was born in undivided India should be deprived of his citizenship because a certain person thinks that he is disaffected or that he is disloyal. Suppose a national of this country is disloyal; suppose a person born in Delhi is disloyal. Do you deprive him of citizenship? No.

Therefore I submit that even if they were registered, no disabilities should attach to their status and their status in all matters should be identical with that of born citizens of India. So far as the law of England is concerned it is much better in this respect.

[SHRI BARMAN *in the Chair*]

In England a person registered can only be deprived if in getting himself registered he has been guilty of a fraud.

At the same time, he cannot be deprived of his citizenship if he is disloyal or if any of the conditions which

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are given in the deprivation clause are not fulfilled by him. Therefore, my humble submission is that so far as legislation is concerned, we should make a different kind of legislation, and not include the refugees in this kind of registration which has been provided in clause 5.

Now, I will call your attention to another aspect of the case. Apart from clause 5, we have an article—article 7—in the Constitution, and that proceeds on the assumption that those persons who have gone from India to Pakistan, who have migrated from this country to Pakistan on account of Partition are not nationals of this country, by reason of the fact that they have gone from here to that country. Migration itself meant extinction of Indian citizenship because they virtually renounced the citizenship of this country by their conduct in going away. Article 7 reads:

> "Notwithstanding anything in articles 5 and 6, a person who has after the first day of March 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India".

A provision was also made that in case the Government gave a person a permanent return permit or a resettlement permit, in that case alone, that person, could resettle here. Even that was a very great concession. According to the laws of any civilised country, naturalisation right is enjoyed by a person only if he has been there in that country for five years. I then proposed an amendment and I said, 'All right. Those persons who are coming here to be resettled should live here for five years, and then that period should, as a matter of fact, be counted for being accepted as a citizen.' That amendment was not accepted and I am not sorry because so far as this is concerned, an enquiry was alleged to have been made and it was found that those persons who were coming could not live in Pakistan; they were our nationalist Mussalmans and they were driven out, and if they have come here, it is because they are our brothers and we would accept them. At that time, I said that for the future these permits should be stopped for ever. After all, when for two or three years the permits had been there, why are you giving permits now and when the permits are not given, this article 7 should by now be obsolete. I do not want that any person who is a national of Pakistan, who lives in Pakistan, and has got the nationality or citizenship of Pakistan, should *ipso facto* become a citizen of this country because of article 7 any further. Now, what are we doing? We are enacting clause 5: any person who belongs to any of the countries mentioned in the First Schedule—Pakistan is one of them—if he comes here and satisfies the conditions prescribed in sub-clause (1) (e), can become a citizen of this country.

Shri S. S. More: No conditions.

Pandit Thakur Das Bhargava: The condition is that he is ordinarily resident and has been living here for more than twelve months. My submission is that conditions in our country are absolutely different from those in others. It may be taken that I may not be regarded as a person who is amenable to many of the principles which are accepted intellectually by many of us, but which in practice many of us deny. I cannot forget that this House passed a law here in respect of migrants from Pakistan to Assam. Lakhs and lakhs of Muslims went to Assam in order to obtain a majority there. We passed a law here that they must be expelled, and any person harbouring them must be punished. We passed such a law in this House. I cannot tolerate at any time that the Mussalmans from a particular part of Pakistan near about Assam went to Assam in large numbers and became a menace to the economy of that State or to the communal composition of that State. I for one would certainly never like that a law like this should enable them to come into Assam, live there and become citizens. I know many of my friends will not like that. I am quite clear in my mind and I agree as regards reciprocity in this matter, that my countrymen may go to another country and become citizens of that country and similarly, citizens of that country may come and be citizens here. I have no objection to that. But I know that in the case of Pakistan, such a thing is not possible. In Pakistan, even now, you know very well what is taking place in so far as Kashmir is concerned. One part of it is in Pakistan and the other part of it is with us. You know very well what is happening there. At the same time, you know what is happening in the tracts just near Assam and in East Bengal. With all these things before me, I cannot shut my eyes to facts. I am, therefore, quite clear about this. You may write anything on paper, but when come to the words given in the Third Schedule, what do we see?

> "The qualifications for naturalization of a person who is not a citizen of a country specified in the First Schedule are:
>
> (a) that he is not a subject or citizens of India are prevented citizens of India art prevented by law or practice of that country form becoming subjects or citizens of that country by naturalisation".

We, citizens of India, are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalization. I beg very humbly to ask all my friends here: is it possible for any national of this country of India to go and live in Pakistan, as Muslims are living in this country? To my mind, it is not at present or in near future possible, and therefore, I do not want that on paper reciprocity may be written and on that basis we allow nationals of Pakistan to come here and become citizens of this country and be a menace to this country. I can understand that there are many people in Pakistan who are not a menace to our country; at the same time, I know there are people who are evil-minded and who want to see trouble created in India, who would go to Kashmir and do all sorts of things, who would go to Assam and do all sorts of things. I am therefore clear in my mind that so far as citizenship is concerned, so far as Pakistan nationals are concerned, citizenship should be circumscribed with conditions and restrictions, so that the security of our State is not adversely affected. I am perfectly clear in my mind that this can be done very easily. In the exodus, lakhs and lakhs of people are coming. They are coming at the rate of 30,000 a month. They are Hindus as well as Muslims. Now, the question arises: in our secular State, can we distinguish between Hindus and Muslims, can we make different laws? I would submit there is no such impractical difficulty. As a matter of fact, I should like to think that the Government perhaps have got the machinery, Government have got the data. They are registering every person who is coming from East Bengal. What is the difficulty in putting restrictions? After all, Government have discretion in the matter; Government can deprive a person of his citizenship if he becomes a citizen. Government are rehabilitating certain people, giving them some help. Some people are coming to this country and they treat this country as their home, but others come for other purposes. As between the two, Government can very easily make a distinction, and they can have a law by which only those who come to this country for the purpose of real asylum and who are our brethren in every meaning of the word, should be allowed to become citizens and not others. I would respectfully ask the Joint Committee to find a solution to this difficulty, to find a formula by virtue of which of those persons who are coming from East Bengal, only such of them as come for the purpose of asylum and are really our nationals should be rehabilitated and made citizens of this country. In their way no restrictions should be placed. In their case, why do you want them to apply and spend Rs. 10 or

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Rs. 5? Why do you want them to go about filing affidavits and so on? You have got registration there. Your registration is enough. Only such of them as Government find to be real citizens of this country may be allowed to have citizenship, and not others. So I cannot understand this question of making applications and so on. At that time, the Steering Committee accepted it. Then it was a case of 40 lakhs of people. In 1948 also, I understand so far as Punjabis are concerned, lakhs of them have not applied in terms of clause 6. They could not possibly apply; they were all illiterate; they did not have the means to apply. But they are, as a matter of fact, nationals of this country. They have been enjoying all those rights. All the same, on account of the difficulty of making applications and so on, they are not on paper the nationals of this country.

As regards those Punjabis and Bengalis who have come within the last five years and who are still coming— I hope the House will excuse me if I am using strong expressions—it will be a great injustice and cruelty to insist that they should go to officers and courts and apply, buy stamps and put in affidavits and produce evidence and prove their motherhood and fatherhood. It will be very difficult and impossible for them and I cannot agree to that I would, therefore, respectfully ask the Government to be considerate to them as the Steering Committee has been and fix a date, say, the 15th August 1955 and say that those persons who have come before that date, whom you have got on your registers, whom your magistrates find that they are potential citizens of this country in the sense that they would come and settle here may be made citizens by the Government itself without asking them to make applications of this kind. And, those citizens should be made so on the grounds of clause 4 and not on the grounds of clause 5. I do not think they should be treated differently. It would be a wrong thing. Otherwise the refugee would think that he is not being treated as a national of India. As a matter of fact, the Government has been very considerate and has done the right thing in rehabilitating these people. After spending 250 crores of rupees on their rehabilitation does the Government want them to understand that they are not full citizens of this country? I think it is wrong in principle. We should see that these persons are treated exactly in the same manner in which my friends Shri Deshpande and Dr. Jaisoorya are being treated.

Mr. Chairman: The hon. Member may conclude.

Pandit Thakur Das Bhargava: Sir, I have touched only on one point and I will come to the others.

I am at one with my friends when they say that so far as the acquisition of citizenship is concerned, the power must remain with the executive. We have got full faith in the Government and......

Mr. Chairman: I would remind the hon. Member that he has taken more than half an hour and he should try to conclude.

Pandit Thakur Das Bhargava: Have I taken half an hour? I am sorry; I will be very brief though I have to touch more points.

I submit that in my humble opinion we will be quite right in accepting the provisions of the British Nationality Act as giving guidance in this matter. In other Commonwealth countries the rule is that the executive is armed with the power of saying that certain parties acquire the right of citizenship. I am also of the view that the executive alone should get the power and not the judiciary. Because, according to me, the naturalisation will take place in respect of aliens alone. In respect of the citizens of those Commonwealth countries who may live here ordinarily or are here for more than a year, in respect of them, I should like the deprivation clause should be there. I like the recent provements made by the Govern- nt in the matter of citizenship. The estion of oath or allegiance must be re, though in the British Nationality t it is not there. I do not want that e refugees should be included in use 5: they should be included in use 4. It should be redrafted or other clause 4A may provide for em absolutely equal status with that cluded in clause 4.

As regards the question of who is decide, in the British Nationality t it is the Secretary of State or if e persons come from any particular ovince etc., the Governor. Only two rsons are given the power so far as quisition is concerned. But, even the vernor is not given the power to prive the nationality. The Governor s only to report to the Secretary of ate and the Secretary of State is ven the power. I want that this wer should be given to the Minister d to nobody else. So far as depriva- n is concerned, the Minister only ould be able to decide finally. After l, a committee of enquiry goes into e matter, they take evidence and ter that evidence they report hether this man has been guilty or t, whether he comes within the dis- alification clause or not and then one the matter comes before the inister. There are two siftings; one the enquiry committee and then by e Minister. Therefore there is no estion of appeal. If Shri Gadgil's ggestions are to be accepted, the peal may be made to the Cabinet. fter all, the Minister has decided and hom are you to appeal to? According me, the original and final orders ust emanate from the same Minister nd I don't think there should be any ppeal in this matter. If you cannot ave faith in the Minister, in whom n you have it? After all, the com- ittee has done its duty and the com- ittee is presided over by a judicial erson with ten years' experience. I ink it is a good safeguard, because ou have to balance the rights of those liens and others who do not belong our country. The matter of the security of the State is one which cannot safely go to courts.

Even today we have no definition of "sedition." We do not know what sedition is today. According to law, "sedition" has not been defined. Sections 124A and 153 of IPC are in a fluid condition. The High Courts and the Supreme Court held that those provisions were not constitutionally good. We passed a law here, the Constitution Amendment law by which we said those decisions of courts were not good. So, we do not know where we stand. How can the courts decide? If the Law Commission were to take these things and report, it will take years and years and I, therefore, think that the instrumentality of a court is not needed.

There is one more point. We have said that a major will be taken to be a person of more than 18 years of age. In the British law, the age of majority is 21. I think it is wise to give discretion to a man who is fully developed. I rather think that the age of 21 should be accepted as the proper age in cases of this nature, when a person has to renounce his citizenship etc.

I would say a word, with your permission, about dual nationality. So far as section 1 of the British Nationality Act is concerned, it only says that all those persons who are citizens of the Commonwealth countries will be taken to have acquired the status of a British subject. This is apart from citizenship of U.K. The citizenship of the United Kingdom comes under Chapter II. They are absolutely different things. If you really see sections 12 and 13 of the British Nationality Act, you will come to the conclusion that the status of a British subject is quite different from the status of a citizen of the United Kingdom. We have confused both these things here. We say in clause 11 that a person who is a citizen of any of these Commonwealth countries will also acquire the status of a Commonwealth citizen in India. So far as it goes, I do not know what are the obligations and what are the rights of a commonwealth citizen. The British law also does not speak of it,

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I know that for the purpose of registration in their laws, those nationals of commonwealth countries have been given the right to get themselves registered as citizens of those countries. I do not know what will be the legal effect of this registration upon their original citizenship. Will it remain in fact or will it be taken as having evaporated in the process. Take the question of reciprocity. I can understand it if citizens of other commonwealth countries want to become citizens of our country and those countries allow our people to go there on the basis of reciprocity. We need not object to it. I know that my country is a member of the Commonwealth. Therefore, if such a nationality is there, it may be vague or anything. I am not ashamed of being a member of the Commonwealth. Supposing there is the United Nations nationality or world Nationality—which is yet to come—even that I can quite understand as a third kind of nationality

2 P.M

As regards clause 12, the executive or the Central Government is authorised to confer such of the rights of citizenship upon the citizens of other countries as it likes, all the rights or a part of those rights. I am anxious that these powers should not be given to the Central Government. These are not exclusively their powers; these are the proper powers of Parliament. I want that it should not be decided by executive orders but it should be decided by law as to what kinds of rights may be conferred on the citizens of other countries. Therefore, so far as clause 12 is concerned, I am anxious that the words 'by order' should be replaced by 'by law'. In regard to the oath of allegiance, you will be pleased to see that the oath of allegiance which is mentioned in clauses 5(2) and 6(2) is quite different from the provision which we have for deprivation of citizenship. The oath is: I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India. But in the provision clause 10(2)(b) you find a quite different thing and it is substantially different from the oath. I should think that these should be brought into line. If a person is disloyal and he is disaffected, it is to the Constitution and when he behaves in this manner, why don't you see that the porvisions made here are absolutely similar to the oath taken? Suppose he goes about criticising the policy of a Minister or even of Government very bitterly, it is not fair to say that he is disaffected towards the Constitution or not faithful to the country. As it is at present worded, it means that it is not going to give liberty to the citizens of other countries as other countries are willing to give them to us. We have given the right to our citizens of equality before the law, holding property, health, security, etc. and we have given this to every citizen in the world, whether he may belong to the Commonwealth countries or he may not belong. With this background can we say that we can make a law like this that on account of a seditious speech or seditious act, not to the Constitution but the government established, we should deprive him of his citizenship? It is not correct. I should like our laws to be so broad as to be in line with the laws of all civilised countries. It must not be said that we are backward in this respect. I would only expect and I would only stress on the select Committee not to copy the British Act word by word but to consider the entire circumstances of this country in all its aspects and see what is safe for us, what is good for us economically, politically and especially with regard to Pakistan. Pakistan is not in my nerves. I love the people of Pakistan in the sense that our culture is the same, before partition we belonged to the same country when the country was not divided. But at that time I knew how people went from my district in large numbers. They went singing

हंस हंस के लिया पाकिस्तान,
लड़ लड़ के लेंगे हिन्दुस्तान ।

I cannot understand those persons who are infected with views like this, those persons who are behaving like this with us. I want to see that we make our laws in such a way that those persons who are behaving like that we are not moved by political shibboleths or some such principles as apply adversely to our country.

Shri T. S. A. Chettiar (Tiruppur): Various speakers have stressed many points and I do not wish to go into details over which they have gone into, but certainly I would like to refer to a few fundamental principles.

In the notes on clauses it will be seen that this Bill provides for dual citizenship. In page 13, on clause 8, it says:

> "This clause and clause 9 are designed to avoid dual citizenship to a certain extent. Clause 8 provides for renunciation of Indian citizenship by voluntary act in cases where the person is also a citizen or national of another country. It is possible for a person to acquire dual citizenship by birth or later and in clauses 3 to 7 which provide for the acquisition of Indian citizenship in various ways, it is not proposed that the person should renounce his foreign citizenship as a condition for retaining his Indian citizenship."

I would request the House as well as the Select Committee to consider whether this principle of accepting dual citizenship is proper, especially in a country in which we are beginning a fresh existence after the Constitution of India. Today I would wish that patriotism must be based on a single devotion. I am not now referring to the Commonwealth citizenship, but I will have a few words to say later on about that. But I would certainly say that the citizens of this country should be loyal to this country and be attached to this country, not only in times of peace but also in times of stress and in times of war, and I should think that this confusion, which may arise out of dual citizenship, should be completely avoided. Another category of citizenship. I do not mind for purposes of employment or other things, but citizenship as such must be confined to one country, and this Bill should provide for a single citizenship and people with a single citizenship must be considered citizens of this country, only when they are citizens of this country and not being citizens of any other country. In this matter, I would like the Joint Committee to attach great importance to this question. I know the world is small today; I know the various communications and other things by which we have been brought much nearer to various other countries, but still the idea of a world state is still very far away, and for a country like ours, we require devoted citizens and not people who are devoted to this country and also to another.

I come to another matter and that is the matter of the Commonwealth citizenship. Clause 11 refers to the Commonwealth citizenship, but nowhere has it been defined as to what exactly 'Commonwealth citizenship' means. Of course, clause 12 says that it will be on a reciprocal basis. Does this mean that we will treat a South African in the same way as South Africa is treating an Indian—it refuses to admit an Indian? England allows a little more latitude or perhaps the greatest latitude in the Commonwealth and so are we to give a different treatment to the Englishmen? The treatment given to one country in the Commonwealth will be diffierent to the treatment given to another country in the Commonwealth. Ceylon is giving us a particular treatment, though we have a very soft corner for them, because they are our own people and I hope they will mend their ways. There are other countries within the Commonwealth incongruously tied by certain historical factors and it is impossible for us to give the same treatment to every citizen coming from

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all countries mentioned in Schedule One. When that is so, I do not see any virtue for establishing reciprocity on Commonwealth citizens alone. While it may satisfy British sentiment—I know a large amount of sentiment is growing about the Commonwealth idea because they think that somehow this Commonwealth must be got going and I do not mind their sentiment—in practice and in effect, if clause 12 is to come into effect, the treatment that you will give to one Commonwealth citizen will be absolutely different to the treatment that you will give to another such citizen, and there will be nothing common between the citizens of one State in the Commonwealth and the citizens of another State in the Commonwealth. While the idea of reciprocity has been made clear in clause 12, I do not see the purpose for keeping that clause as such. I should suggest that the Select Committee would go into this matter very carefully. I would like to go further than clause 11. Why should we confine this process of duality only to the Commonwealth? We have much in common in our religion, in our culture and traditions with the South-East Asian countries; we have the same basic sanskrit or Aryan culture. Many old Hindu temples are found there, epics are found and various other things in common are found. I would like that India should develop a close cultural background with the South-East Asian countries so that in the future we will have very much in common with them. Why should this clause 11 be confined? Instead of having a limited clause 11 like this, I should like to throw open this process of reciprocity to many other countries even outside the Commonwealth, with whom we have much in common. If we are tied to the principle of reciprocity, then I do not think that it should be confined to the British Commonwealth, in which there are about ten countries. But there are many countries outside the British Commonwealth who love us and who have respect for us and our tradition. I think that the Select Committee should throw aside those sentiments which have value for other people but which have nothing for us and try to accommodate other people who have something in common with us in regard to culture, etc.

Now, coming to a very difficult matter which was to a great extent expanded by my friend, Pandit Thakur Das Bhargava, this matter of East Bengal is a national problem. Refugees from East Bengal were for some time a problem for West Bengal. Originally, it was estimated that there were about 126 lakhs of Hindus in East Bengal. A few years ago, there were only 90 lakhs. What happened to the rest? Now, every train brings its load of refugees every day. And West Bengal can bear no more that burden. I know that many States are trying to help them by accommodating them but that is not a matter on which I would like to talk here. I have been told that our Ministry is convinced that sooner or later, most of the Hindus will have to convert themselves into Muslims or cross the borders and come to India. What is going to happen to these 90 lakhs of Hindus who are there? If they are coming where is the space that you are going to provide for them? The hon. Member pleaded that when they come they must be received and the refugee problem must be tackled. All the States in India should co-operate in solving the refugee problem. I agree and I go a step further. An article has been put in the Constitution that anybody who had once migrated to places outside India may come back and register here. Many years have passed since we adopted the Constitution and we know well that the Hindus in East Pakistan are not secure and sooner or later they are bound to come back to India. But I do not see why you must give the same facility to Muslims who are in Pakistan. We are a secular State. I agree. In our own State, there is not even a minute difference between a Hindu and a Muslim in the matter of appointments, conduct of institutions, etc. This has been laid down in the Constitution. That applies only to Indian citizens and ot Muslims or others who live outside e borders of India. From the newsaper reports I understand that from e Azad Kashmir area, many Muslims re coming into our own Kashmir rea. Reports are also current that any Muslims who had been disilluioned by going to Pakistan are comg back to India. But they are no ore Indian citizens and are we bound accommodate them also in addition our own difficulties of accommodatg nearly 90 lakhs of people? Are we ound to apply the Fundamental ights which are enshrined in our onstitution to those who are in Pakstan? They are no more Indian ationals and our Fundamental Rights o not apply to them. Under the proisions that now exist, we must take very Muslim who had crossed the order but who wanted to come back. say that this is not a practical way f looking at things. Certainly we are secular State but our Fundamental ights do not apply to those who are utside our own secular State and it is pen to us to restrict the admission of itizens from outside territories. We hould not be bothered about slogans ut we must face facts as they are oday. While we can have no objection o admit Hindu refugee from akistan—I am gland the House lso had agreed—I would like o say that the Muslims who ad crossed over from India to akistan need not be taken back; they eed not be given the same facility hich we are bound to give the Hindu efugees from East Bengal. To make a ifference on that basis is not against he Constitution. The Fundamental ights do not apply to them. The ramers of the Constitution had also een wise; they have not laid down a aw for all times. They have said in rticles 10 and 11 of the Constitution hat these articles can be changed by arliament because circumstances may e such that it may be necessary for s to change them. In the presence of hese provisions, articles 6, 7 and 8 re no more obligatory and it is open o us to make any amendment in the itizenship Bill for our good. These re essential factors which cannot be forgotten. These facts have to be faced and I hope they will be faced by the Select Committee and this House.

Now, clauses 11 and 12 refer to reciprocity. I would like to know whether the Government have in mind any items of reciprocity which they expect to show under clauses 11 and 12. Articles 12 to 35 of the Constitution deal with the Fundamental Rights. I hope Government would examine as to whether all the Fundamental Rights could be thrown open to other persons who want to join the Indian Union. Could they be thrown open to the citizens of the Commonwealth who are not citizens of India with whom we are going to have reciprocity? There must be some distinction between an ordinary full-fledged citizen of this country and a citizen of the Commonwealth. Government should think over the matter as to what the maximum rights would be which they could throw open to the other Commonwealth citizens. It will then be useful for us to think about the extent to which we can give concessions to the other Commonwealth citizens, compared to the full-fledged citizen in this country. Government would have thought about this problem and if they had, I would like to have an inkling as to how far the reciprocity goes.

Certain friends in the Opposition made a point that reference to the Central Government in clause 10 was not very proper. I would like to refer to sub-clauses (c) and (d). They say that the Central Government may deprive the citizenship of certain persons if—

> "(c) that citizen has, during any war in which India was engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war;"

These provisions are emergency provisions which do not come into application every day but only in times of stress, war, revolution, etc. I think it is very necessary and correct that

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provision should be made to a committee appointed by the Government and I would like to add that the appeal if any should go to the Home Minister and no Under Secretary should be allowed to dispose of those papers. This law must make it sure that the mind of the highest authority is applied to it. That is the only suggestion that I would like to make with regard to clause 10.

In regard to clause 6, while there has been the usual uniform copying of the British Nationality Act, in this Bill a proviso has been made which is not expressly provided in the British Nationality Act and it is a welcome departure and I approve of that departure. I do not like to take any more time of the House except to say that it is a very important legislation that we are having before this House and many of the points that have been raised are very important points. We should not be thinking of this matter in merely a legalistic manner or theoretical manner. On the contrary, the facts which we are already facing should be taken into account and these facts should shape the provisions of this Bill.

With these words I support the motion.

The Deputy Minister of Home Affairs (Shri Datar): At the outset I am very happy that the provisions of this Bill have been generally received very well and there has been, on all sides of the House, a very useful and constructive stream of criticism with the object that the Joint Committee might make the provisions of this Bill as perfect and as unexceptionable as possible. That is the way in which we have to move so far as such important matters are concerned. Therefore, it is a matter of congratulation to all of us that this Bill is starting with the blessings of this House and is going to the Joint Committee for the purpose of improvement to the extent that improvement is necessary.

The Home Minister has already pointed out that so far as the provisions of this Bill are concerned, they are capable of improvement and it would be open to the Joint Committee to consider the matter in all its bearings and to improve it to the extent that it is susceptible of such improvement. Subject to this, I should like to place certain considerations before this honourable House so that the hon. Members might understand why the Government have framed the Bill in this manner and what are the considerations that impelled them in doing so.

At the outset, I would point out to this House the purpose of this Bill. This Bill does not deal with the rights of citizens at all. That is a point which, perhaps, was lost sight of when the other day there was some discussion. Here, all that we are concerned with is the recognition or the acquisition of citizenship and its termination and other incidental matters that have been referred to in general terms in article 11 of the Constitution. Here, we are not dealing with the rights of citizens nor with their disabilities or obligations. Those are matters which have been dealt with, to a certain extent, in the Indian Constitution itself. You will find that when they deal with Fundamental Rights they always make a reference to the rights or the obligations of a citizen. Whenever the word 'citizen' is used it means that the citizen has certain rights and is also subject to certain restrictions. But, when, for example, they make a reference to one as 'a person' then any resident in India is covered by that expression. There are also various other laws, like the Representation of the People Act and a number of other Acts, which give certain rights to a citizen of India. Therefore, it would not be necessary, so far as the present provisions of the Bill are concerned, to consider what rights of Indian citizenship are expected to be conferred, as pointed out by my hon. friend Shri T. S. A. Chettiar, when we are dealing with the question of Commonwealth citizenship. Beyond that, Sir, we need not go into the question of citizenship.

Then, certain other contentions were aised which are more or less of a minor character and which I would ike to dispose of first. It was pointed ut by my hon. friend Shri Vallatharas hat the Bill should be circulated for ublic opinion. Sir, there is a considerable urgency so far as this Bill is oncerned. We have ascertained that he Election Commission are likely to ake 1st March, 1956 as the crucial ate for the purpose of finding out a erson's national status. First March, 956 is the date which would be crucial and if a man is a citizen as on 1-3-1956 he would be entitled to have his name on the electoral roll for the general lections which would be coming very, oon. Therefore, it is our desire that s early as possible all those persons n India who have not yet got themselves registered ought to be so registered so that no person would remain n a condition of what was called 'statelessness'. My hon. friend Pandit Thakur Das Bhargava contended that ven now there are a number of ersons who have not got themselves registered even though special provisions had been made in the Constitution in this respect. Therefore, just s for the purpose of enabling all those who were entitled to be citizens to get themselves duly enrolled certain provisions were made in Part II of the Constitution Act which dealt with the cquisition or with the recognition of citizenship as at the commencement of he Constitution, so far as the present eneral Bill is concerned, it is our esire that this Bill should be passed s early as possible so that none would remain in India who, if he is entitled o the right of citizenship, would be eprived of that right so that eventually he would be deprived also of the ight of being a voter in the coming eneral elections. That is the reason why there is considerable urgency and am confident that the report of the oint Committee also would be received very soon and this Bill would ecome law after it has been blessed by this House and the other House.

Sir, a number of other very important or, rather, fundamental considerations were placed before this House either by way of criticism or by way of suggestions. It was pointed out that so far as Commonwealth citizenship itself was concerned that was a matter of doubtful value and Shri S. S. More want to the extent of saying that the British Nationality Act is still in force, has been in force and that we are all governed by this Act and naturally it would take us to the absurd position that we are all bound to owe allegiance to the British Crown or Her Majesty. I would point out to the hon. Member in this respect that the British Nationality and Status of Aliens Act that was passed in 1914 was in force even after the 15th August, 1947. But, it may be noted that this Act itself was replaced by the British Parliament by the British Nationality Act of 1948. Then, this is a matter which Shri S. S. More will kindly understand, that this British Nationality Act has not been made applicable to India under section 6(iv) of the Indian Independence Act of 1947. You are aware, Sir, that before the Constitution Act was passed, the British Government, at the time of transfer of power, had an Act known as the Indian Independence Act passed in 1947. By this Act India became a dominion and Pakistan also became a dominion. There we have got a provision in section 6(iv) which says:

> "No Act of Parliament of the United Kingdom passed on or after the appointed date shall extend or be deemed to extend to either of the new dominions as part of the law of that dominion unless it is extended thereto by a law of the legislature of that dominion."

"Dominion" in this respect naturally meant the Dominion of India until we passed our Constitution. Therefore, you will kindly understand that, in as much as this particular Act, namely, the British Nationality Act of 1948 is concerned, it was not made applicable to India at all. Therefore, there can be no question of our being *ipso facto* British subjects or the citizens of the United Kingdom for the purposes and

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with the implications which have been pointed out by my hon. friend Shri S. S. More.

It will also be understood that he pointed out that there may be certain difficulties also and he made a reference to another Act which was passed by the British Parliament during the days of George VI. It was known as the India (Consequential Provisions) Act. It was passed in 1949. There, it may be pointed out, that my friend read only the first section but did not read section 3, which reads thus:

> "His Majesty may, by Order in Council, make a provision for such modification of any existing law to which this Act extends, as may appear to him to be necessary or expedient in view of India's becoming a Republic, while remaining a Member of the Commonwealth."

Even this Act was passed by the British Parliament for the purpose of safeguarding to Indians residing abroad in particular certain rights which they formerly had. Therefore, there is no question of any automatic application or operation in India of the Acts passed by the British Parliament after the transfer of power. This Act was passed only for the purpose of safeguarding certain rights which Indians in Britain, etc., had and to continue those rights. So far as the main question of the British Commonwealth is concerned, that is governed by clauses 11 and 12 which have to be read together. After reading them together we have also to make a distinction. We have to understand the very clear distinction between status as such and rights as such. I shall explain to this House how the status cannot be equated with the rights of citizenship. Clause 11 says:

> "Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India."

There are certain rights which are allowable, say, to the members of the Commonwealth, because the President has made a declaration that the members of the Commonwealth are not to be treated as foreigners. In fact, there is an article in the Constitution according to which it was open to the President, and the President did make such a declaration that the members of the Commonwealth, citizens of the different countries in the Commonwealth will have that status. By reason of this a man or a member of the Commonwealth, provided he is governed by the corresponding Acts in his particular State, will have the status of a Commonwealth citizen in India. This status will give him not the rights of citizenship but certain facilities or concessions which I may point out here.

One is that he will not be considered as a foreigner. We have got a Foreigners' Act and according to that if a foreigner has to come to India he has to obtain a passport; he has to obtain a *visa*; he has to take permission and he is subjected to certain obligations. So far as those who are not foreigners are concerned, that is the members of the Commonwealth, they have got certain rights. They are exempted from the usual obligations attaching to aliens or foreigners. So, the scope of the declaration is that they will have the status of Commonwealth citizen in India and not the status of an Indian citizen.

Then, it will also be found that if, for example, he is here and if he desires to make an application for citizenship by registration under clause 5, he can do so. That is a right which has been given only to non-foreigners. The right of acquisition of citizenship by registration has been given only to those who are not to be treated as foreigners. The very important point that has to be understood in this respect is that clauses 11 and 12 have to be read together. Now, clause 12 says:

> "The Central Government may by order notified in the Official

Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule."

Merely because his status as a Commonwealth citizen in India is recognised, it does not mean that he has got all the rights, or any of the rights of an Indian citizen. Those rights have to be given specifically. Secondly, we have to understand here the saving clause that all or any rights which an Indian citizen enjoys might be conferred on them, not at the sweet will of he Executive, but on a reciprocal basis, provided Indians are given simiar rights in those countries. Then only will those rights be extended. Therefore, you will find that a very mportant safeguard has been introduced.

Shri B. K. Das (Contai): Will it be y a law?

Shri Datar: It will be by an executive order of Government.

Reciprocity will be decided by the Government; I never stated by law. Before the rights are given to a Commonwealth citizen in India, his status as been recognised as such, there ought to be an agreement on the basis of reciprocity between India on the one hand and the country of the Comonwealth to which that gentleman elongs on the other. Only if there is uch an agreement would such rights be granted, because it would depend pon the terms of the reciprocity greement.

My hon. friend Pandit Thakur Das hargava suggested that it is quite kely that on paper the reciprocity ould be accepted, but in effect the ciprocity would not work. He menoned also the name of a neighbourg country. I would like to point out him that in such cases Government ve sufficient powers of withdrawing is. If, for example, there is no subntial reciprocity, or reciprocity in ect and in spirit, then, naturally, no such rights can be given to a member of that country, merely because he is a Commonwealth citizen in India.

Shri S. S. More: May I ask a question? Under clause 12 certain rights can be conferred by the Central Government. Is there any authoritative list of rights which are within the conferment of Government?

Shri Datar: That is what I pointed out when my hon. friend was not here. I pointed out to the House that this measure does not deal either with the declaration or with the specification of the various rights. The rights are dealt with in the Constitution and by other Acts, and those rights will be catalogued. I would in this connection invite the attention of my hon. friend to clause 2(1)(c). That would be taken as the basis and Government will take into account whether there are any measures of discrimination, any measures of inequality, or even going beyond that, any practice of hardship so far as Indians are concerned. If they are found, then I am quite confident that there can be either no reciprocal basis at all, no agreement at all, or if there is an agreement, then it would be of advantage to us also.

Shri S. S More: He says that the Constitution describes some rights to be given to Commonwealth citizens on the basis of this.

Shri Datar: To citizens only. I never said 'Commonwealth'.

Shri S. S. More: My submission is that as far the citizens are concerned, the rights may fall in a different category, but I am talking about the rights which will be conferred under clause 12.

Shri Datar: That has to be done on mutual basis.

Shri S. S. More: My submission is that if it is to be done by mutual basis, the sovereignty of Parliament, or the sovereign Parliament must indicate the rights.

Shri Datar: So far as the latter question is concerned, I am prepared to answer it. I would point out to the hon. Member that under the Constitution, Parliament has not taken any executive functions to itself. So far as the legislatures are concerned, they have got legislative functions only, except in U.S.A.—if I mistake not—where there are some powers which are conferred on the legislatures but they are of an executive nature. Here in India, so far as the structure of the Constitution is concerned, Parliament has only legislative authority and Parliament has no executive functions. When there is a Government which is your Government—it is chosen by you—you have to trust in that Government and therefore these powers are given to the Government as your executive and that executive has always the responsibility to Parliament. Therefore, I would submit to this House that so far as this question is concerned, it has been put in a guarded manner and it has been based on certain considerations which are of a more or less healthy nature.

Shri T. S. A. Chettiar asked why we did not have any other units for the purpose of having a common citizenship just as we have evolved this commonwealth citizenship. So far as that question is concerned, commonwealth citizenship is a matter of history. It is a unit which has been fairly recognised and is recognisable also. Therefore, it is quite likely that in course of time we might have, by agreement with the South-East Asian and other countries also, a similar concept or a similar unit for the purpose of these constructive measures, and in that case, we might extend these principles to those countries also and we shall act on a reciprocal basis. I would agree with my hon. friends that there are greater affinities between these countries because we are governed by a common culture to a very large extent, and we have also a very great measure of cordiality of feeling and friendship between these countries, but that is a matter for the future. So far as the present times are concerned, here we have a unit, namely, the Commonwealth unit. It is no longer the Empire unit. It has shed itself of all those imperial ideas. This is a unit which could be taken advantage of for the purpose of extending our ideas of citizenship. I am very happy to find that generally this principle has been accepted.

Shri S. S. More: Will not the recognition of the United Kingdom entail on our part the recognition of her colonies also?

Shri Datar: I should not like to divert but I would point out to my hon. friend that so far as the First Schedule is concerned, care was taken to see that only self-governing units have been included. You will find that those eight countries mentioned in that Schedule are self-governing units within the commonwealth which is otherwise called the British Commonwealth. I would like to point out to this House that the definition does not include protected states and mandated and trust territories. So far as those areas are concerned, they are not self-governing units in the sense in which others are. Therefore, that aspect will also show that so far as the reciprocal agreement was concerned, it was put on the basis of the sovereignty of these States and not on any other basis.

Shri S. V. Ramaswamy: The "Explanation" mentions all the colonies also.

Shri Datar: They are part of the United Kingdom. "United Kingdom of Great Britain and Northern Ireland includes the Channel Islands, the Isle of Man."

Shri S. V. Ramaswamy:......"and all Colonies".

Shri Datar: They are parts of Australia.

Shri S. V. Ramaswamy: Please read the "Explanation" in full.

Shri Datar: I have read it. It is in my hands.

Shri S. V. Ramaswamy: "and all Colonies"; they are not self-governing.

Shri Datar: We have not included those protected States and mandated and trust territories. We are not directly concerned with colonies as such but here we are concerned with certain units which are self-governing units, and therefore, particular safeguard was taken so far as this point was concerned.

I would then pass on to the next point which is also a controversial matter—dual nationality. So far as this question of dual nationality is concerned, there are different views on this point. On the one hand it is stated that a man should have only one nationality and one citizenship and that a man can remain loyal only to one country, and again, on the other hand, it is said that sometimes it becomes inevitable for a man, under certain circumstances, to have more nationalities than one. I would point out to this House two cases. For example, it may be found that under clause 3, we have given the acquisition of citizenship by birth. We have also made a reference to the acquisition of citizenship by descent. Take for example some sons of a Pakistani who went over to Pakistan and who has been all along staying in Pakistan. He has been a permanent resident of Pakistan. The sons have been living n India all along. Under clause 3, he s entitled to the citizenship of India, because this is a clause which gives the right of citizenship by the mere fact of birth. Shri Gadgil pointed out that it s too late in the day to complain against this acquisition of right by the mere fact of birth. This is a clause which has been purposely copied in almost all the laws of the civilised countries, because, by birth, a man should be entitled to certain rights. Formerly, before the French revolution, citizenship depended upon the personal relations between the Sovereign and the subjects. This personal relationship has gone. We have now got a nationality idea, a regional idea, nd as a result of this, we have developed this doctrine that man is entitl-d to be a citizen provided he is born in that State. No further conditions have been attached to this at all. This is kept as it is, and this principle also was pointed out in the course of the discussion and has been generally accepted. Except in one or two countries where they state that this should not be the basis and only the descent principle should be the basis, this principle of citizenship by birth has been accepted in almost all countries. In the light of this, you will find for example that if a man acquires a right of citizenship by birth, then automatically under a similar right, he becomes also a citizen of Pakistan by descent. His father is in Pakistan and he has been born in India. His father is a resident of Pakistan and naturally the citizen of Pakistan. So, by birth, he becomes a citizen of India and then by descent he becomes also a citizen of Pakistan. Therefore, it becomes sometimes very difficult to completely do away with the idea of this double or multiple nationality, though I would point out to this House that there is considerable force in the view that as far as possible there ought to be one citizenship, one unilateral citizenship and not a citizenship which is capable of a breach of confidence, a breach of loyalty, at the hands of the person concerned. I will tell a very interesting case where a man was a citizen of America and also of Japan. During the war, naturally the loyalties were conflicting. When he went to Japan, he claimed to be a citizen of Japan and did certain acts which were absolutely against the interests of America. Afterwards he went back to America and claimed American citizenship. However, he was hauled up for sedition. He was convicted of certain acts and ultimately punished. So, these dangers are there; but it is very difficult to get rid of this dual nationality completely. You have got in this respect what is known as the Hague Convention of 1930. In foreign countries this question often arises. A man is a citizen of both A and B; then, by what Acts are his acts to be governed? A rule has been evolved which is known as the Master Nationality Rule, according to which, they say that if a

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man is in A he is a complete citizen of A so long as he is there, he and his property are to be governed by the laws of A; but if he is in B, the same thing will follow. If, for example, he is in C or in any third country where he has no nationality of this type, then he would be governed by the law of that country with which he is on most friendly terms or on terms of affinity. These are the complicated doctrines which have been gradually evolved; but at this stage, it would not be necessary for us to go into all these questions. I would point out to this House that attempts have been made even in the Bill and in the Constitution also in this respect for diminishing the effect of such double nationality. I would like to invite the attention of the House to Article 9 of the Constitution and also to clauses 8 and 9 of the Bill where it is stated that if a man voluntarily becomes a national of another country, then naturally he ceases to be an Indian citizen. This is a very complicated question, because in certain cases there are rules according to which a man cannot give up his nationality at all, even if he acquires the nationality of another country. Take for example the case of China and Iran. You will find that the Chinese carries his nationality wherever he goes; it is only on account of this hard rule that certain differences had developed and they were recently resolved by an agreement between China on the one hand and Indonesia on the other, according to which it was laid down that the Chinese in Indonesia should elect within two years either to be citizens of Indonesia or they should go back to the Chinese Republic. Thus, you will find that so far as this doctrine is concerned, it is a very important doctrine; but it has got certain defects and this has been accepted to a certain extent by the Indian Press also. After all, nationality also must have some limits; it should not be narrow nationality. Therefore, we are gradually evolving ourselves towards a world citizenship. It might appear to be far distant or remote, but it is coming. As my hon. friend, Mr. Chettiar, pointed out, we might have a Commonwealth citizenship. Today we might have a citizenship of one useful bloc and perhaps a time might come when we shall have a common citizenship under the United Nations Organization. Then, it would be world citizenship. If this view is taken, naturally all the difficulties or disadvantages associated with dual nationality have to be minimised by other rules; but on principle, dual nationality itself should not be condemned. In the light of all these facts, what we have done is, we have taken into account the position as it is and we have not allowed any scope for the extension of this doctrine of dual nationality. What is inevitable has been pointed out. Certain other difficulties also might arise. Therefore, we have been extremely careful in this matter. If, for example, a condition is laid down before a man becomes a citizen of India that he must renounce his citizenship of the other country, and if he renounces that citizenship and if due to certain difficulties of a technical nature he cannot get the right of Indian citizenship, then he would be placed in the very unenviable position of what is known as the stateless person. That is why we have stated that when some man wants to become a citizen of India or when some Indian citizen wants to become a citizen of another country, this condition should not be laid down, so that he will have the citizenship of at least one country. That is the way in which this problem has been approached.

The same thing might be stated about the acquisition of citizenship by birth. I have already dealt with this question and my hon. friend Mr. Asoka Mehta stated that we might lay down some further restrictions namely, that a person who is only born in India should not automatically become a citizen of India. He said that some more conditions should be laid down; that he should remain faithful etc. But so far as this clause is concerned, as I have already stated, this is a clause hich has got no exceptions or reser- ations attached to it. A man born in ndia will become a citizen of India nd will be governed by all the laws f India. Let us see how this works; if here are any particular difficulties, it ould be open to the Joint Committee o lay down any particular restrictions n this regard.

So far as naturalisation is concerned, ou will find that it is open to a oreigner, who is neither a member of he Commonwealth nor otherwise con- ected with India, to apply for Indian itizenship by naturalisation. I was ery happy to find that in the scheme roposed by some hon. friends, natura- isation through a judicial system has ot been accepted. My hon. friend Shri hargava has pointed out that these re questions which can be usually ettled fairly well and more or less xpeditiously by the executive. All are will be taken to see that no injus- ice will be done so far as such cases re concerned. An attempt was made y my hon. friend to distinguish etween the orders passed by Govern- nent officers and those passed by inisters. I would point out that so ar as these Acts are concerned, the inister or the Ministry will always e responsible; if in any particular ase it is found that any hardship has een caused or any injustice is done, he Cabinet is there to consider the atter. Therefore, it was not consider- d necessary to have a regular process f appeals, revision and other pro- esses. These are all executive Acts nd they are liable to be reconsidered, rovided there is any material which ould necessitate a reconsideration.

Where the right of citizenship has o be taken away, the judicial pro- edure has been duly provided. It is tated that there are to be judicial fficers of at least ten years' judicial tanding who will decide all these uestions. Even though these cases re to be handled by the Executive, still ou will find that when very important nd fundamental questions regarding he continuance or otherwise of citizen- hip of this kind are under considera- ion, it has been considered equitable that the man should have a forum and should have a proper trial before proper persons. Such questions would be decided by a panel which is headed by a judicial officer. Therefore, you will find that so far as this question is concerned, it has also been very well considered.

3 P.M.

My hon. friend Shri Bhargava suggested that so far as the refugees from West Pakistan or East Pakistan are concerned, they ought to be recognised as Indian citizens as such without going through the process of registration. I would sympathise with him. I would point out to him that even in the Constitution itself, in article 6(b)(ii) a provision has been made for the purpose of registration. That itself has been carried further on and I would assure him that there is no particular difficulty in getting oneself registered. I am not prepared to accept his very wide statement that very many people are remaining unregistered or unrecognised as Indian citizens under the Constitution. There may be some people here and there. But, you will find that even now it would be open to any refugee who has come to India even recently to get himself registered under clause 5(1)(a) which says:

> "persons of Indian origin who are ordinarily resident in India and have been so resident for one year immediately before making an application for registration;"

That would show that if 1-3-1956 is to be taken as the crucial date, all those persons of Indian origin who have come back to India before 1-3-1955 for permanent residence here, for getting rights of Indian citizenship here, will be entitled to rights of citizenship. The only thing that is required is that they have to apply and get themselves duly registered. That need not be considered as a great hardship, because the Government can set up an effective machinery for this purpose. You will find that there are no such persons. It is hoped that by the time that the next electoral rolls are ready, all those persons who are entitled to be

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citizens, and who have been made citizens under the various provisions of this Act, will be on the electoral rolls. The object is to bring all persons on the electoral rolls and not to leave any of them without the right of voting, nor to subject them to the state of statelessness. That is the object which the Government have in view. Therefore, those difficulties that have been pointed out by my hon. friend need not be considered as difficulties.

I was very happy to find that so far as married women are concerned, our law has been extremely generous. A woman's right does not follow that of her husband. The husband may be a foreigner. But the wife would continue to be an Indian citizen. In this Bill, the independence of women or the equality of the sex has been completely recognised and in certain cases where an alien woman has taken an Indian husband, we have allowed her to be an Indian citizen by application for registration. Thus it will be seen that whatever has been possible so far as these provisions are concerned, has been carefully done. As I said at the beginning, all these are considerations which would show that the provisions of this Bill were considered very carefully and then they have been placed before this House. But, still it is open to the Joint Committee to consider all these provisions and suggest proper amendments, because, as the Home Minister pointed out, we do desire to have on the statute-book a perfect Indian law of citizenship.

Shri M. S. Gurupadaswamy (Mysore): The hon. Minister who intervened in the debate, tried in his own way to meet the points raised by certain hon. Members. I am very glad that he succeeded in clearing some of the doubts. But, I am sorry that his speech did not go far enough to set at rest all the important criticisms raised by the hon. Members. With regard to Commonwealth citizenship, he pointed out that what Shri S. S. More felt was not correct because in the Indian Independence Act this has been covered and there is no question of the application of the British Nationality Act in respect of India.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

May I point out that the Indian Independence Act came in 1947 and the British Nationality Act was enacted in the year 1948. Shri S S. More read out a certain portion from that Act. I shall read out another portion. Section 1 reads thus:

> "1. (1) Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in sub-section (3) of this section is a citizen of that country shall by virtue of that citizenship have the status of a British subject.
>
> (2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen; and accordingly in this Act and in any other enactment or instrument whatever, whether passed or made before or after the commencement of this Act, the expression 'British subject' and the expression 'Commonwealth citizen' shall have the same meaning.
>
> (3) The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon."

It is very clear from this that India along with Pakistan has been included, and according to this Act, the meaning of 'Commonwealth citizenship' in 'British subject' is the same. There is no difference so far as 'Commonwealth citizenship' or 'British subject' is concerned. In this connection, I may refer to the Act passed by Canada in

946. The Citizenship Act of Canada also lays down that 'Commonwealth citizen' would mean 'British subject'. Only in the case of Ireland has an exception been made. The Government of Ireland did not like the idea of Commonwealth citizenship. They did not want to follow the footsteps of the other Commonwealth countries. They passed an Act and according to that Act the citizens of Ireland, unlike the Commonwealth citizens, are not henceforward to be British subjects by virtue of their Irish citizenship. They will be no longer styled as British subjects in the United Kingdom law. When Ireland has taken this line, I cannot understand why we cannot follow the example of Ireland in this respect. Irelond even today enjoys some facilities in the Commonwealth countries. Yet, Ireland has decisively seceded from the Commonwealth citizenship. It has declared its independence.

The main reason why Irish decisively seceded from the Commonwealth citizenship is that they considered that the status of 'British subject' or 'Commonwealth citizen' was inferior and they did not want to carry with them that inferior status. The hon. Minister pointed out that Commonwealth citizenship confers certain facilities which are not available to the nationals of other countries. He said that a citizen of a Commonwealth country can enter another Commonwealth country without much difficulty. In England it is recognised that any British subject can vote in the elections. When once one is declared as a British subject or, recognised as such, he or she can have the power of voting in all elections. I want to know whether an Indian who is a British subject according to this Bill will have voting power in England in general election. According to the British law, any Commonwealth citizen, any British subject so called, can enter British Foreign Service and British Civil Service. May I know whether Indians will be allcwed to enter the Foreign Service or Civil Service in England. These are some of the things which have to be considered when we say that Commonwealth citizenship is a boon and is not a curse. I regard, however, that Commonwealth citizenship confers an inferior status on Indians and the Independence Act which was referred to by the hon. Minister does not abrogate this, does not take away the application of the British Nationality Act.

Shri S. S. More: The Independence Act is repealed by article 395 of the Constitution. It has no longer any existence.

Shri M. S. Gurupadaswamy: I thank Shri More for supporting my point.

Shri S. S. More: I am bringing it to your notice.

Shri M. S. Gurupadaswamy: There is a letter published in one of the pamphlets sent me, a letter written by the External Affairs Ministry to one Shri Ramnarain. According to that letter, it is very clear that the British Nationality Act of 1948 is applicable to India even today. I will read out the relevent portion of the letter for the information of the House:

> "With reference to your letter dated 5th September, 1953 on the above subject, I am directed to say that under section 1, sub-section (1) of the British Nationality Act of 1948, a citizen of India is also a British subject for purposes of British law. This position has remained unchanged even after India became a Republic."

So, it is very clear from the letter of the External Affairs Ministry that even today India is under this British Nationality Act, and the British Nationality Act applies.

Shri S. S. More: As if India is not a Republic.

Pandit G. B. Pant: What is the date of the letter?

Shri M. S. Gurupadaswamy: Letter No F216951/UK, Ministry of External Affairs, New Delhi, 10th November, 1953.

Shri V. G. Deshpande (Guna): I have got the original of the letter also.

Shri M. S. Gurupadaswamy: Again another letter of the External Affairs Ministry says:

> "With reference to your letter dated 18th August, 1952, on the subject mentioned above, I am directed to say that Indian citizenship is at present governed by the provisions of the Constitution of India. More comprehensive provisions are proposed to be embodied in the Indian Citizenship law. Until such a law is enacted, the Government of India do not propose to approach the Secretary of State for Commonwealth Relations, London, for declaring the provisions of the Constitution as citizenship law in relation to India under section 32(8) of the British Act, 1948."

According to this letter we have to approach the Secretary of State for Commonwealth Relations to declare that our measure is a citizenship law applicable to India. Otherwise it will not be a citizenship law for us. This is really an unfortunate position. If that is so, it is a confession that we are not independent in respect of our citizenship law. And the Home Minister tried to point out that we had nothing to do with this particular British Nationality Act of 1948, and according to him it has been abrogated in 1947 by the Independence Act. It is really a very curious position. If it was repealed or abrogated by the Independence Act of 1947 why was India included in Section 1 of the British Nationality Act of 1948? So, I want to know what stands in the way of our accepting or following the example of Ireland. Ireland has successfully cleared out of the British Commonwealth in respect of Commonwealth citizenship and it stands on a different footing. Still, the Irish people enjoy facilities, privileges and special status in Commonwealth countries. So, I want to know from the hon. Minister unequivocally whether it is true that we are still tied to the apron strings of British law, whether we are still a cog in the British machine, whether we are still attached to the applecart of the British Crown.

About the other provisions of the Bill, I may point out that with regard to acquisition of citizenship, it might perhaps be right on our part to make some distinction in respect of citizenship by birth. Citizenship law is a fundamental law and we cannot follow an open door policy in this matter. America in the beginning followed an open door policy in respect of granting citizenship rights to aliens and others and afterwards it found that it would be very dangerous to follow this open door policy and they thought that certain reasonable restrictions would be necessary. I do not want my country to be very restrictive in granting rights of citizenship to foreigners. We must be as far as possible liberal, but that liberality should be very reasonable. The clause dealing with citizenship by birth copies the British maxim that whoever is born on the land or in the territorial waters of a country will be considered automatically as its citizen. That is a principle of the British common law which we are trying to incorporate. I do not find fault with it, but I only express a doubt whether it would not be giving a wide scope to all and sundry to be called citizens of India. An accidental birth of a child may get citizenship.

Shri S. S. More: How can birth be accidental? Birth cannot be accidental.

Shri M. S. Gurupadaswamy: I am not an old man, an experienced man. I cannot say anything about this.

Shri S. S. More: It is a biological fact. It is not a matter of experience.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): It is an accident to be born in India. That is what he means.

Shri M. S. Gurupadaswamy: May I ask whether it would not be reasonable to say that any man or any woman born on the soil of India will be considered as a citizen by birth only if he she has Indian blood, not other- e? Shri Gadgil was saying that as as possible we should safeguard security of India, and avoid all ts of alines coming and claiming citizenship. All persons born on lian soil, if they are of Indian blood, y be taken as citizens by birth. If amendment to this effect is accept- I feel that it would be resonable, d it will not lead to any difficulties the future.

Regarding citizenship by descent, I ve got only one observation to make, d that is that for citizenship by des- nt, only descent in the male line is cognised. My hon. friend Dr. rishnaswami has already referred to is aspect. I want to know why the male line also should not be recog- sed for this purpose, and what diffi- lties are there in the way of doing . I for my part have not been able understand why it has not been ade possible for persons on the female ne also to get citizenship by descent.

According to clause 4, if the father f a person was a citizen of India by escent only, then that person shall not e a citizen of India unless:

> "his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period;"

I would like to know why a distinc- ion has been made here. If a person s born of a naturally born citizen, then ie will be recognised as a citizen by lescent; but supposing his parents are itizens by descent only, then the Bill provides for a special procedure in espect of him. I want to know whether here should not be a finality in regard to this matter. Why should a person born of a citizen by descent be required to make an application to the consulate, or get the permission of the entral Government for the purpose f acquiring citizenship.

Then, there is sub-clause (3) of clause 4 which reads:

> "For the purposes of the proviso to sub-section (1), any male person born out of undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only."

I want to know why again only the male line has been recognised. Why should not the female line be recognised here? Why should not we say here 'any male or female person'? These are some of the doubts that occur to me in respect of clauses 3 and 4.

With regard to citizenship by naturalisation and citizenship by registration, I say that we have simply copied some of the provisions of the British Act, and we would have been well advised if we had not discriminated between the Commonwealth countries and others in regard to the matter. According to clause 5, persons who belong to Commonwealth countries can become citizens by registration. Why should not the same thing apply to other countries also? If Government feel that the Commonwealth is already a recognisable entity.........

Shri S. S. More: They can become. Only the period is longer in their case than in the case of a British subject.

Shri M. S. Gurupadaswamy: That is for naturalisation.

Shri S. S. More: Even for registration.

Shri M. S. Gurupadaswamy: According to this Bill, as far as I understand it, an alien can become a citizen by naturalisation only and not by registration; and only persons belonging to the Commonwealth countries can become citizens by registration. I want to know why a distinction is made here between the Commonwealth citizens and persons belonging to other countries.

[Shri M. S. Gurupadaswamy]

I for my part feel that this Bill gives a blanket power to Government to refuse citizenship or to order forfeiture of citizenship. It gives arbitrary power to the executive in respect of forfeiture or in respect of denaturalization of citizenship. It would be better if this work is entrusted to judicial authorities. Some hon. friends have said that it is better and more practicable to entrust this power to the executive authority, because they are more competent than the judicial authorities. But I failed to understand their argument. When we trust the judicial authorities for so many other things, and we praise the judicial men for their impartiality, why not we entrust this work to the judicial men? Moreover, citizenship law being fundamental and the rights of citizenship being fundamental rights, it would only be fair that this power should be taken away from the executive and entrusted to the judiciary.

Finally, I would say that the Joint Committee should go through the provisions of this Bill very carefully; especially the provision which deals with Commonwealth citizenship. I would welcome, the suggestion made by some Members if that is possible in our power, to have broader citizenship, that is a regional citizenship or even world citizenship. But today it is not practicable. Therefore, we must confine ourselves to the limits of praticability, and see whether the provision dealing with Commonwealth citizenship is good and reasonable, or whether it does not insult our national honour.

Shri S. V. Ramaswamy (Salem): I welcome this Bill. This Bill has largely been drafted, as has been said before, on the basis of the British Nationality Act of 1948. One thing is good, and that is that this Bill is briefer than the Acts of other countries bearing on this subject. The U. S. Act runs to 605 sections, and the Australian Act runs to about 55 sections, but here the number of sections is less than that even in the British Act.

While we may congratulate the draftsman on limiting this Bill only to 18 clauses, I wish to point out the several lacunae that have arisen on account of our trying to be brief. Before I comment on the provisions of the Bill, I would like to controvert one point made by the hon. Deputy Minister. With reference to clause 2 (b) he said that the policy of Government will be to restrict reciprocity, so far as Commonwealth countries are concerned, only to those units of the Commonwealth which enjoy freedom. I find in the First Schedule, an explanation which runs thus:

> "In this Schedule, 'United Kingdom' means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all colonies..."

If that is so, how does the policy of the Government fit in with the explanation given by the Deputy Minister? The colonies are not self-governing. If that is so, I must point out that this error is due to the fact that we have blindly copied the English Act, without finding out the implications of it.

I will now pass on to other matters. The hon. Deputy Minister was again urging that we have been very liberal in this Bill with regard to the rights of women. In respect of clause 4, I wish to point out that there is an injustice done to women. Let me read clause 4(1):

> "A person born outside India on or after the 26th January 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth".

Supposing the mother is a citizen of India at the time of his birth, what happens? Supose an Indian lady married an Englishman or American, and after January 26th 1950, a child was born to them. Is he or is he not an Indian citizen? Why should that right be denied to him? I can understand the complications that might arise out of including mother also, but then

I wish to invite the attention of the House to other articles of the Constitution which will hit against it. We are legislating by virtue of article 11 of the Constitution which says:

> "Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship".

Now, earlier we accept that the rest of the constitution will apply. Under articles 13(2), the position is this:

> "The State shall not make any law which takes away or abridges the rights conferred by this Part, and any law made in contravention of this clause shall, to the extent of the contravention, be void."

Now, read along with this article 15 (1) of the Constitution:

> "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

Now, how do you fit in this clause with articles 13(2) and 15(1)? I am afraid this has got to be examined closely by the Joint Committee to see whether it can be reconciled. I am afraid it cannot be reconciled unless you include the word 'mother' also. This, I may point, is inconsistent with clause 8(3) of the present Bill, which says:

> "For the purpose of this section, any women who is or has been married shall be deemed to be of full age."

We concede for the purpose of this clause that the nationality of the women does not follow that of the husband, that she is independent in this respect. When we go to the extent of recognising the independence of the wife, in respect of nationality, in relation to the nationality of the husband, why do we not recognise the same right so far as clause 4 is concerned? That, again, to my mind, needs consideration by the Joint Committee; some attention must be paid to reconcile the two clauses—4 and 8(3).

Now I come to clause 5 which relates to citizenship by registration—Commonwealth citizenship. Shri Gadgil has done well by referring to the "common clause" in all the Acts in the Commonwealth countries relating to citizenship. So far as this Bill is concerned, definitions relating to clauses 2(c), 5(e), 11 and 12 may be taken together. In clause 11, we say:

> "Every citizen who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India."

Now, this is somewhat different from section 6 of the English Act. There, section 6(a) runs thus:

> "A citizen of a Commonwealth country being of full age and capacity shall he entitled to be registered as a citizen of United Kingdom."

We do not go so far as that; we merely say in this clause, 'shall have the status of a Commonwealth citizen in India'. Some of my hon. friends who preceded me have misunderstood the provisions of this Bill and have thought that by virtue of this clause, they become *ipso facto* citizens of India. That is not so. Read along with clauses 2(c), 5(e) and 12, the position is entirely different. Clause 2(c) runs thus:

> "citizenship or nationality law' in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, *at the request* of the Government of that country, the Central Government *may*, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country."

Shri S. S. More: What about the British Nationality Act? Is it not binding on us?

Shri S. V. Ramaswamy: I think we had better ignore it.

Shri S. S. More: Why ignore it?

Mr. Chairman: Under what law is it binding? As far as other countries are concerned, their Acts passed after the attainment of independence are not binding on us.

Shri S. S. More: But all Acts of countries within the British Commonwealth are binding on us and, therefore, whether there is any agreement or not, they become Commonwealth citizens of India.

Shri S. V. Ramaswamy: Even so far as clause 5 is concerned, it is not as if they shall become Commonwealth citizens. It is different from section 6 of the British Nationality Act. Here the language is, 'subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf.....' and so on. Sub-clause (1)(e) refers to persons coming under the First Schedule. Then clause 12 says:

> "The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule....."

All these put together go to show that a person, if he is a Commonwealth citizen, does not *ipso facto* become a citizen of India.

At this juncture, I wish to point out a serious lacuna in drafting. Clause 12 makes provision on the basis of reciprocity for conferment. Now, do we or do we not confer powers for deprivation of such citizenship? I am drawing the attention of the House to section 21 of the British Nationality Act—there is no corresponding provision here—which reads thus:

> "Where a naturalised person who was a Commonwealth citizen has been deprived of that citizenship on grounds which are substantially similar to those of section 20,"—

analogous to clause 10 of our Bill—

> "if that person is a citizen of United Kingdom, the Secretary of State may deprive him of that citizenship, if he is satisfied that it is not to the public good that he should continue to be a citizen of United Kingdom."

I submit if the idea of reciprocity is to be carried to this full extent, you must take powers under clause 12 not merely for the purpose of making provision on the basis of reciprocity for conferment but also for deprivation. Therefore, I hope the Joint Committee will go into this question.

Mr. Chairman: Under the British law, there can be no deprivation of citizenship in respect of persons who are registered citizens, excpet when there is fraud, etc. So far as this Bill is concerned, there can be deprivation of citizenship of persons who are registered under clause 5 or clause 6 or clause (c) of article 5 of the Constitution.

Shri S. V. Ramaswamy: Naturalisation.

Mr. Chairman: Naturalised persons also are registered under clause 6.

Shri U. M. Trivedi: Every naturalised person will be a registered person.

Shri S. V. Ramaswamy: I do not see how clause 12 fulfils the purpose because the Notes on Clauses regarding clause 12 reads thus:

> "Under clause 12 power has to be exercised on a reciprocal basis and it is therefore necessary to empower the Central Government to exercise the power by means of an executive order."

What is the reciprocal power? It is limited only to confirmation. That is what I am contending. It should also be extended to deprivation. I will read section 21 of the British Nationality Act. If any hon. Member has got it, he may kindly pass it on to me; I am told it is here.

Mr. Chairman: There is no corresponding clause in this Bill.

Shri S. V. Ramaswamy: That is what I am submitting. But, one thing must be pointed out also. In the Commonwealth countries they have got a "common" clause as they call it in the English Constitutional Law. In effect, it does not go to mean much. I am reading a passage from a very learned article in the *Indian Quarterly* on citizenship in the Commonwealth with special reference to India. The learned author writes:

> "The United Kingdom, for instance, still maintains the role of the mother country and therefore provides that any person who is a citizen of some other Commonwealth country may acquire as of right citizenship of the United Kingdom and Colonies after twelve months' residence. But the attractiveness of this offer to the individual is in practice very much reduced because most of the Commonwealth countries have, unlike the United Kingdom, set their faces against double citizenship even within the Commonwealth, and have provided that acquisition by their own citizens of citizenship elsewhere shall produce automatically forfeiture of citizenship at home."

Now, I shall read only section 17 of the Australian Act.

Shri Datar: Is the article by the hon. Member?

Shri S. V. Ramaswamy: I wish I were so learned as the author. It is a learned article.

Shri C. R. Narasimhan (Krishnagiri): What is his name then?

Shri S. V. Ramaswamy: The writer is one Mr. Clive Parry who is at present Professor of Law in the U. S. My friend has seen it and wants to pull me out.

Section 17 of the Australian Act reads:

> "An Australian citizen of full age and full capacity, who, whilst outside Australia and New Guinea, by some voluntary and formal act, other than marriage, acquires the nationality or citizenship of a country other than Australia, shall thereupon cease to be an Australian citizen."

We are not providing any such thing. In section 15 of the Canadian Citizenship Act a similar provision is found. In section 15 of the South African Citizenship Act, a similar provision is found; under section 22 of the British Commonwealth (New Zealand) Citizenship Act, and in the Pakistan Citizenship Act, 1951, there is also a similar provision. I do not know why we are not making a similar provision. My submission to the House is that the Select Committee may consider this question and provide a similar section.

I then come to clause 6. This refers to naturalisation. I am sorry I did not read section 21 of the British Nationality Act. It runs thus:

> "Where a naturalised person who was a citizen of any country mentioned in sub-section (3) of section 1 of this Act or other has been deprived of that citizenship on grounds which, in the opinion of the Secretary of State, are substantially similar to any of the grounds specified in sections 2, 3 and 4"—and this last section 4 is analogous to clause 10 of our Bill "if that person is a citizen of the United Kingdom and Colonies, the Secretary of State may, by order under this section, deprive him of that citizenship, if the Secretary of State is satisfied that it is not conducive to the public good that the person should continue to be a citizen of the United Kingdom or the Colony."

I submit that a similar provision should be made in our Bill also.

Now, I come to clause 6. The point that arises is, does this include the

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right of the wife and the children also? In this connection I may read a passage from page 604 of Oppenheim's *International Law*.

> "The naturalisation of a man includes his wife, and, upon his application, the Home Secretary may include in the certificate the name of any child who is a minor; within one year of attaining his majority (twenty-one years) that Child may make a declaration of alienage and cease to be a British subject."

This point is not clear. Clause 6 may therefore be considered in the light of the passage that I have read so as to include the right of naturalisation of the wife and minor children also.

I come to clause 8. This deals with double nationality. Article 9 of the Constitution does not refer to double nationality which may be acquired after the date on which the Constitution came into force. So far as double nationality that is acquired before is concerned, it is set at rest by article 9 itself. It reads thus:

> "No person shall be a citizen of India by virtue of article 5, or be deemed to be a citizen of India by virtue of article 6 or article 8, if he has voluntarily acquired the citizenship of any foreign State."

Now, commentators have said that it is limited only to double citizenship acquired before the Constitution came into force. What happens subsequently? That position is not clear.

Then I come to clause 10. It has been repeatedly said that provision of a judicial tribunal should be made for dealing with the question of deprivation. This is dealt with only in the U. S. Act where the whole question of registration and naturalisation is dealt with by the courts. So far as the Commonwealth countries are concerned, these matters are dealt with by the executive. I think it is rightly so. This is certainly not a matter to go before a tribunal or any judicial body. But when it has been urged that if there is to be a deprivation, why not it go before the High Court or the Supreme Court, as the case may be, instead of the provision in sub-clause (5), I am just entering my caveat. In all the Commonwealth countries it is almost similar but for some variation, and the variation that has been made in the Australian Act under section 21 is, I think, preferable to the present clause, which speaks merely of a committee of inquiry consisting of a Chairman being a person who has so much judicial experience and so on. The Australian Act says:

> "For the purposes of this section"—section 21(4)—"the Governor-General may appoint a committee of inquiry, the chairman of which shall be a person who holds or has held the office of Justice or Judge of a Federal Court or of a Court of a State or Territory or who is or has been a barrister or solicitor of the High Court or of the Supreme Court of a State of not less than five years' standing."

I believe, Sir, that the clause should specifically mention that the Chairman should be a retired judge or a judge who is in office........

Shri C. R. Narasimhan: Not below the rank of a District Judge.

Shri S. V. Ramaswamy: I then come to clause 10(2) (b). As has already been pointed out, the clause has been defectively worded. It relates to the deprivation of citizenship. It says that 'person has shown himself by act or speech to be....the Government established by law'. Has it only reference to the past? What has it to show about the present? "Has shown" grammatically would only refer to the past. Should we not add after "has shown" the words "or shows himself in the present situation also"? I believe the drafting has got to be corrected in such a manner as to cover the present also. We leave this to the draftsman as at present it relates only with the past.

Again, the words " towards the Government established by law" have been used. That is the phrase used. Obviously, the language that is adopted is as a result of the Adaptation Laws Order of 1950, by which wherever the words 'His Majesty' or 'Her Majesty' occurred the words "Government established by law" had been substituted. What does it exactly mean? You know under the Law of Sedition, 'Government established by law' meant the British Government that was established by virtue of the Government of India Act and any disaffection towards that was treated as sedition. Are we thinking of the establishment of this Government or of any government which is in power at the particular time? To my mind, it would be better if the phrase 'Constitution of India' or 'Union of India' is substituted for 'Government established by law.' I rely upon section 401 (h) of the U. S. Citizenship Act of 1940 where the language used is:

> "act of treason or attempt by force to overthrow or bear arms against the United States, provided he is convicted thereof by a court martial or by a court of competent jurisdiction."

I would, therefore, submit that the phraseology may be changed to one of either "the Constitution of India" or "the Union of India". In this connection, I wish to add to the number of grounds on which there can be deprivation of citizenship. On the third itself I gave notice of certain amendments, but they were returned. Before I deal with this point, I would like to read the proposed amendments of mine, which I hope the Select Committee would consider. First of all, I wanted an amendment to clause 8 itself and then to clause 10 also for a similar purpose. Clause 8 deals with renunciation and I wanted this amendment to be added:

> "Any citizen who expresses his intention to burn or damage or otherwise insult in any shape or form the national flag or national emblem shall be deemed to have renounced his Indian citizenship."

I wanted another amendment to clause 10 and that also is an addition:

> "Any citizen who expresses his intention to burn or damage or otherwise insult in any shape or form the national flag or national emblem shall be liable to be deprived of his Indian citizenship."

What I state is this. I for one cannot think of any Indian citizen ever thinking or entertaining a horrible idea—I say it is a horrible idea—of burning the national flag. Some people may say that it is only a piece of cloth. If that is only a piece of cloth and if they cannot feel that the flag was given by the Father of the Nation, that the flag symbolises the aspirations of about 35 crores of Indians, and the flag symbolises today the Independence of a great nation, a great Sovereign Republic, and if they think of burning that flag, I am asking you, Sir, as to what business they have in this country. It is far better that they quit this country lock, stock and barrel. They had better go to the icy wastes of the Antarctic and they may burn the black flags there which may glitter amidst the white snow....

Shri Kamath (Hoshangabad): Or fly to the moon!

Shri S. V. Ramaswamy: They may burn themselves too if they like. Such people have no business to stay in our country, and I trust that the Joint Committee will consider this. It might to said that this only affects a region and it affects a small part of the country through the endeavour of a few persons, but that, to my mind, is no answer. It is possible that in other parts of the country also there might be a similar feeling. It might also be said that this is not a matter of political malaise to be dealt with under the Citizenship Act. It might be contended that such morbid idea is a case

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for mental treatment in a mental hospital rather than for political treatment under the Citizenship Act. I do strongly feel that any citizen of India who says that he wants to burn the national flag, whatever the reason may be—Hindi or no Hindi, or it may be a much more serious affair than Hindi—has no business in this country. So far as Hindi is concerned—I yield to none in my affection and loyalty to my regions language Tamil—I rather feel that somewhat the pace is a bit more, even for me, who is anxious and eager to learn Hindi. Of late, in this House also I find that the Hindi starred questions have assumed anew buoyancy. A number of persons send questions on the same subject and the Hindi questions seem to attain a certain buoyancy and come to the top so that the question is put and the answer given in Hindi. It is not in every case that the Hindi questions come at the top. They get judiciously dispersed. We all see these things and the pace of Hindi is a bit more than those who are earnest about learning it can gulp.

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): Will the hon. Member speak like this in the South? I challenge the hon. Member to speak in an open plateform in the South as he is speaking here now.

Mr. Chairman: Order, order.

Shri S. V. Ramaswamy: Even in the South I will stand up and say that anybody who says that the national flag is a piece of cloth only, and so on, has no business in this country.

Mr. Chairman: Why should there be direct conversation between Members like this?

Shri S. V. Ramaswamy: I accept his challenge, Sir. I would like to add these amendments to clauses 8 and 10 If the question of deprivation relates to any person by birth or by descent in such cases a judicial appeal may be provided, because it is a serious matter and he has obtained it by birth or descent.

Shri S. S. More: Does my hon. friend suggest that even persons who are citizens of this country by virtue of birth or decent should also be deprived of their right of citizenship?

Mr. Chairman: He is only speaking of naturalisation all the time.

Shri S. S. More: He referred to the Hindi agitation and that is not by persons who are naturalised here.

Shri S. V. Ramaswamy: That is all that I wish to say on this Bill.

4 P.M.

Shri Barman (North Bengal-Reserved—Sch. Castes): The House has elaborately discussed the provisions of the Bill in its legal aspects. I should humbly ask this House to pay attention to a most unfortunate controversy. Why I mention this at the very outset is that both of you were speaking with all the knowledge of the Constitution and the circumstances under which that chapter on citizenship was framed and you pleaded vehemently to remove sub-clause (a) of clause 5(1). The hon. Deputy Minister in his reply has tried to convince the House that so far as the migrants from East Pakistan are concerned, it is not a difficult matter; it is a very simple matter and the present provisions of the Bill are quite adequate and sufficient. Both of you swore by the Constitution. The hon. Deputy Minister also has said that the Constitution itself has made a distinction. It has made a distinction between migrants who have migrated before 19th July 1948 and those who migrated thereafter. So, he said that the Constitution also made that distinction. May I now draw his attention that the Bill that is before this House has no comparison or parallel with the provisions that have been made by the citizenship chapter of the Constitution.

But before that I want to place before this House certain facts especially for the hon. Deputy Minister to note down. The Constitution supplemented y the provisions of the present Bill divides the migrants from East Bengal into three categories—those who migrated before 19th July 1948 (the Constitution has provided that they will be automatically treated as citizens), those who migrated between 19th July 1948 and 26th January 1950 (for whom it has been provided that if they apply before that date, after a lapse of six months they will be registered) and thirdly those who migrated after 26th January 1950. In the second category, there was no condition attached. It was a simple petition and residence in India for six months.

Now, what is the present Bill and what has it done? I shall mention it presently. The third category of people is, as I said earlier, the people who migrated after 26th January 1950. What is their number? That is the most important thing. Apart from our conjectures and notions, what does the statistics of the Government and the Relief and Rehabilitation Department say? Till July 1955, no less than 32 lakhs of persons have migrated from East Bengal. That is to say, those people who were crossing the border with migration certificates number that much. Those who are crossing without any migration certificates are not certainly registered. However, let me take it that the number is 32 lakhs.

Out of that it has already been stated that before 19th July 1948, people who were not recognised as migrants really because the Central Government thought that these people were coming only temporarily and that they would go back after things settled down in East Bengal—their number may not be very much; I do not think it is more than two lakhs. Out of these 32 lakhs, if you just deduct two or three lakhs—whatever figure the Government might think just or reasonable—there remains about thirty lakhs of people who have not been registered. There is provision in the Constitution that the migrants who came from East Bengal after 19th July 1948 should file a petition before the 26th January 1950. I do not know how many, if at all, have applied. We from our experience know that they have not applied.

[MR. DEPUTY-SPEAKER *in the Chair*]

Now, the hon. Minister thinks that these 30 lakhs of people can be registered and that is not a very great affair and that it is a very simple matter. I wounder how he thinks it to be so.

He has stated that by the first of March 1956, the Election Commission wants that all those who are eligible to become voters should get themselves entered in the register...

Shri Datar: I have not said that they should get registered by that date. That is the material date.

Shri Barman: The hon. Deputy Minister has also stated that those who have come before 1st March 1955 will be entitled to be registered.

Shri Datar: I put it by calculation.

Shri Barman: That is a minor matter. I am just trying to tell the House the stupendousness and the enormity of the matter. After the commencement of the Constitution, Government have not framed any law under which the refugees could become citizens. I am describing the state of the refugees of the third category. We are just now in the process of framing a law and this Joint Committee which you are going to appoint will report before the 15th of November. After that this Bill will be enacted. There may be two or three months left for registration and the Government thinks that these thirty lakhs can be registered in a very smooth way. It is not only that. We have had from the authority of the Rehabilitation Minister that on an average every month about twenty thousand refugees are migrating from East Bengal. That number is not to be ignored. What I want to say that it is a stupendous matter; it is an enormous matter.

The hon. Minister said that what we are doing in this Bill has also been done in the Constitution. I very respectfully say to him that it is not a fact. First of all, the Constitution

[Shri Barman]

automatically recognises as citizens those who came from the 19th of July, 1948. Is the hon. Minister prepared to follow the footsteps of the Constitution and just fix some date upto which all the migrants from East Bengal would automatically become citizens? They are coming with migration certificates; they have got the document that they will be treated as citizens of India. Then again following the footsteps of the Constitution, those who will come after that fixed date shall be made to register. In that case the problem becomes much simpler. I hope that when he has sworn by the Constitution and he says that he is following the same method, he will consider my proposal. I hope the Select Committee also will consider my proposal and the enormity of the situation.

I want to say that this Bill has deviated from the principle that has been adopted by the Constitution in a material way. The position of the refugees who have come from East Bengal had been very favourably considered by the framers of the Constitution even when they were asked to be registered. In this Bill, clause 5 is in my opinion adding insult to injury. Those people who are coming will have to pay for the cost of registration. It may be Rs. 5 or Rs. 10; it will vary from place to place. But more than that they are being treated as if they are in the same category of South Africans. Is that fair? So many things are attached to this section 5. I may just mention one or two matters—because the time is very short—which are very vital for consideration. It hurts....

Shri Kamath: The House is also short of quorum, Sir.

Mr. Deputy-Speaker: Then the hon. Members who are sitting here may hear.

Shri Kamath: He is making some interesting points and I think there must be quorum in the House. If the House proceeds like this with an important Bill when there is no quorum...

Mr. Deputy-Speaker: Has the hon. Member counted?

Shri Kamath: There are only 43 or 44 Members, approximately, as far as my eyes could judge. It is very sad that debate on an important Bill like this is going on without quorum in the House.

Mr. Deputy-Speaker: I will ring the bell. Now there is quorum. The hon. Member may continue his speech.

Shri Barman: I May briefly point out the material points which I want to.....

Mr. Deputy-Speaker: If hon. Members who come in just peep and go away when they find that there is quorum then the quorum will disappear. Therefore unless hon. Members who come in sit and continue to sit the House cannot go on.

Shri Barman: The first thing is that under clause 5(1) there are conditions and restrictions that may be prescribed by the executive. Certainly, we are not uncharitable to think that our own Government will place such conditions and restrictions which may hurt the self-respect of East Bengal migrants; but there are deviations elsewhere. Sub-clause (a) which touches the East Bengal migrants says that a person must be ordinarily resident in India for one year. I respectfully submit that it was only six months in the case of the Constitution under article 6. Therefore, I would ask the hon. Minister whether when the second category of persons will have to be registered under the present Bill the period may be reduced from one year to six months.

The second thing is, here also any decision by the Government either accepting or refusing registration is final and non-justiciable. In this case also we may think that it is our own Government and we hope that they will be very considerate in this. But, there are other things which will hurt the susceptibility of these migrants very much and that is clause 10, sub-clause (2)(b). It says:

> "that citizen has shown himself by act or speech to be disloyal or

> disaffected towards the Government established by law in India;"

Once you accept a migrant from East Bengal how can you make a distinction between migrants from East Bengal and other persons? Once these migrants from East Bengal—who were once our own kith and kin and enjoyed the same liberties and citizenship—come over to India with a migration certificate and are registered, they are treated differently from those who had been citizens here before and others are not subject to this sub-clause (2) (b) of clause 10. Those migrants who are registered later on under this Bill will remain all along under the suspicion that at any moment they may be deprived of their citizenship by the executive because in their opinion they have shown themselves to be disaffected or disloyal. There is no appeal against that.

Then under sub-clause (2)(d) it is said:

> "that citizen has, within five years after registration or naturalisation been sentenced in any country to imprisonment for a term of not less than twelve months; or"

In this case also the migrants who are registered under this Bill will remain subject to this sub-clause whereas others are not. How this distinction shall be applied or not is not my present concern, but I should say that it is not fair that there should be a different treatment to those who were citizens of this country. I should say that the very spirit of it is not fair to a migrant from East Bengal and it is not fair for this Parliament to pass such a Bill.

Pandit Thakur Das Bhargava: And, it is opposed to article 14 of the Constitution.

Shri Barman: I should say that it is derogatory for a migrant from East Bengal to come and accept citizenship in India under this clause. So, my whole argument comes to this that it is unfair to provide such a clause. I hope that the Government and Joint Committee will consider whether it is right for us to have such a legislation making a distinction between a citizen and a citizen and whether under this clause the present migrants should be subjected to such humiliation for no fault of theirs. They have suffered a lot. I think their condition these days is not really and fully understandable by my friends who have never gone to East Bengal or seen the refugees. They are living a sub-human existence. They have no place in East Bengal and even when they come to West Bengal they are not rehabilitated. The problem, we know, is a very difficult and huge one. For that we do not blame anyone. They blame only their own lot and we also do the the same. At the same time, to make such invidious distinction between one Indian citizen and another because of the fact that they were unfortunately trapped in Pakistan by some act—not of theirs—and were late in coming to India and getting themselves registered is not correct.

I do not like to expand on this matter. I simply appeal to the House to give adequate consideration and thought to this point and I would request the hon. Minister to take out—as Pandit Thakur Das Bhargava pointed out—sub-clause (a) out of the mischief of clause 5.

As regards other citizens of Commonwealth you provide whatever you think proper but my humble request is that you take out sub-clause (a) from clause 5 and give them the same status after registration as are being enjoyed by their fellow brethren.

Shri Datar: May I assure the hon. Member that the Government have no desire to give the slightest harrassment, much less any humiliation, to East Pakistan refugees and I am quite confident that the numerous points that he has urged so strongly will be taken into account by the Joint Committee and the Government would accept that the Select Committee does in this respect.

Shri Barman: I am thankful to the hon. Deputy Minister and I hope the Joint Committee will give due consideration to this point. It seems to me that there is some contradiction so far as clause 9 is concerned which deals with termination of citizenship, and also about the memorandum regarding delegated legislation. The sum and substance of this is as follows. Under clause 9, any citizen of India who voluntarily accepts the citizenship of any other country will be subject to the loss of his citizenship of India. His citizenship in India is at once terminated. But if any citizen of the commonwealth accepts, by the several processes that are laid down in this Bill, the citizenship of India by registration, then he retains his original citizenship as well as the acquired citizenship in India. I think that is going to make some invidious distinction. I would request the Joint Committee to look into that matter as well.

Shri S. V. L. Narasimham (Guntur): The hon. the Home Minister has rightly stressed that this measure is above party affiliation or persuasion. I welcome his statement that the examination and the scrutiny of the provisions of this Bill shall be made in a spirit of detachment and dispassionateness. I am also happy that the discussions here are going to be made in that spirit. At the same time, I may recall to the House the hope expressed by the hon. the Home Minister that before long the residents of Goa shall become the citizens of India. I believe he will agree with me that after all the hope could become a reality only if we act to the fulfilment of that desire. Should it remain as a hope or should it be the resolve of the entire Indian nation that by a process of liberation of Goa we shall make them citizens of India?

Coming to some of the observations made by the hon. the Deputy Minister of Home Affairs, I have to make some comments. The hon. Deputy Minister of Home Affairs wanted the House to know that his measure does not define the rights and liabilities that attach to the citizenship of India and they are controlled either by the Constitution or by some other law. May I ask the hon. Minister that when we once accept a person as a citizen of India, will not the rights and liabilities which are enjoined on a citizen either by the Constitution or by ony other law attach to him as a consequence? So he is not correct in saying, while we discussed the provisions of this Bill, that we shall not take into consideration the rights and liabilities which are consequent on citizenship. Again, he stated the position, and made certain statements in reference to the retention of clauses 11 and 12. He was arguing that this commonwealth association or the concept of commonwealth unit is a historical fact and the same principle as adumbrated in clauses 11 and 12, if they be extended to persons of other countries like China and South-East Asia, is a matter only for the future. I may straightaway ask the question, what is the history of this wonderful commonwealth association. Could we forget the historical association which reminds us of the bonds of slavery which practically tied us up with the foreign rule? Are we to take into consideration a subject born under bondage and subjection to another country and take it as a historical fact which binds us to him? As such we do not content ourselves by conferring on him status as referred to in clause 11 or as much a right of citizenship, all rights or some of them, as under clause 12. I may humbly submit that this period of our Indian history—of a slave India—shall be forgotten for ever and buried for ever. Let us examine how we are evolving our relations with the countries of the world at present. I am sure every one of the Members in this House and every one who is a citizen of India feels proud in seeing that our Prime Minister has raised the status of India very high in the comity of nations by having enunciated what is now popularly known as the Panch Shila. Any relationship that we develop on the basis of Panch Shila shall be the only relationship on which alone these provisions referred to in clauses 11 and 12 should be propagated and promoted.

The hon. Deputy Minister was also saying that after all, when we use the words "commonwealth of nations", we are only dealing with self-governing units. But in fact, the Explanation in the Bill itself shows that the colonies of the United Kingdom are also included. I would respectfully submit that that is another doubtful statement.

I would straightaway come to the question of dual citizenship. The hon. Deputy Minister was speaking of so many difficulties involved in it. Whatever may be the difficulties, let us be definite about this question of dual citizenship. India is proud, in relation to he world, that our country is a sovereign democratic republic and we also have declared our faith in and adherence to the principle of Panch Shila which means we recognise the sovereignty and the territorial integity of every country and we also beieve in the doctrine of co-existence. I believe you will agree with me. Mr. Deputy-Speaker, that the sovereignty of any country or the territorial integrity of any country is certainly dependent on the security of the country and he undivided loyalty that every citizen afely established and maintained by he undivided loyalty that every citizen f the State will display towards that ountry. If we are going to allow this ual citizenship which means, in other words, divided loyalty, will it not im-eril the very security of the country which in consequence will also threaten nd endanger the sovereignty of the ountry, as much as the territorial in-egrity of that country? If, we really tand by the Panch Shila, as we pro-laim to the world, I would respect-ully submit that in my humble opi-ion, it does not admit of our tolerating any dual citizenship.

Coming to the various clauses, I will ffer my criticism in my own way. oming to clause 3, I am in entire greement with other friends who ave expressed the view that this un-ecessary reference to the male line ill unnecessarily involve the question legitimacy and illegitimacy and as uch wherever a reference has been made to a male line it should be scored out and no distinction should be made between a male line and a female line.

Then I come to clause 5. Clause 5(1) (a), even according to the Explanation that has been given along with this Bill, states that it covers the vast body of immigrants into India from the territory called Pakistan. I am in entire agreement with the criticism made by Pandit Thakur Das Bhargava and Shri Barman that persons who have migrated from Pakistan shall be treated on an altogether different line from the rest of the categories mentioned in clause 5(1). Let us not forget some historical facts. Did we not make assurances to those brethren of ours who unfortunately had to be left behind in the area which is called Pakistan that their stay in Pakistan and their interest certainly shall be watched carefully and diligently by us in what is known as India and in case their position in that area will be threatened and they come back to India, we shall welcome them as brothers with the same spirit of relationship that we used to maintain prior to partition? If we are prepared to submit them to a process of registration with all these conditions and at the same time threatening them with deportation also under certain circumstances, may I ask whether it will not amount to a repudiation of the solemn assurances that had been made on behalf of India by her leaders, to those unfortunates who are displaced persons?

I now come to clause 5(1)(e) which says:

> "persons who, being citizens of a country specified in the First Schedule and of full age and capacity, either are ordinarily resident in India and have been so resident for one year immediately before making an application for registration, or are in service under Government in India."

I would respectfully submit that this provision will enable the very same foreign investors in India who today are maintaining a stranglehold over the economy and industry of India to

[Shri S. V. L. Narasimham]

become full citizens of India. We know how our economy is practically trampled upon and how our industries could not progress at all and what handicaps we are suffering on account of the presence of these foreign investors in India. If we are prepared to confer rights of citizenship on these people, then where is the assurance that our industries will progress and how is Indian economy going to improve? So, this particular aspect might be scrutinised by the Select Committee.

I now come to clause 8 (2) which deals with termination of citizenship:

> "where a person ceases to be a citizen of India under sub-section (1) every minor child of that person shall thereupon cease to be a citizen of India."

If this provision is to be retained as it is, I would submit that this would lead to aronalous situations. The words used here in the commencement of the section itself are "If any citizen of India of full age and capacity," etc. It does not make a reference to any sex at all. Let us take a case of a minor child. A minor child is as much the child of the father as of the mother. Suppose the father renounces his citizenship, and the mother continues to be a citizen and the child is left with the mother. Are we to be told that, simply because the father has renounced his Indian citizenship, as a consequence of that the minor child also ceases to be an Indian citizen? Or, let us take the other case where the mother ceases to be an Indian citizen and the father continues to be an Indian citizen. Even in that case, is the minor child to loss its citizenship? I would respectfully submit that this particular clause may be so recast as not to admit of any lacunae at all. I would draw the attention of this House to sub-clause (3) in the very same clause:

> "For the purposes of this section, any woman who is or has been married shall be deemed to be of full age."

Formerly even according to this Bill, we treated a person as being of full age if he or she completes 18 years. But here this sub-clause makes an exception in the case of married women. Are we to be told that a married woman who is below 18 years, simply because of the marriage at whatever age it might be, is capable of exercising her discretion in the matter of settling once and for all her rights of citizenship. That is another matter which may be scrutinised by the Joint Committee.

I now come to clause 9. I would respectfully submit that this will reinforce my contention that we shall not permit this dual citizenship. This clause says:

> "Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has before the commencement of this Act voluntarily acquired, the citizenship of another country shall upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India."

If a person who is a citizen of India whether by registration or by naturalisation forfeits his right of citizenship of India by renunciation, where is the difficulty in stating that any person who is a citizen of another country, when he applies for registration or naturalisation for the citizenship of India, shall be deemed to have ceased to be a citizen of the other country? I expect that the Joint Committee will give due consideration to this aspect of the question also.

I will draw the attention of the House to clause 10, sub-clause (2) (b):

> "that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government established by in India;"

I would respectfully submit that this is practically an echo of what is known as section 124A of the Indian Penal ode. I may venture to submit to this ouse that democracy itself gives an nherent right to every citizen to relace by means obtained by law itself he Government which is established y law. If that is not the essence of emocracy, I really wonder as to hat else can democracy be. Today he Congress has formed the Governnent and I belong to another party. Suppose I begin to propagate amongst he people with a view to throwing ut this Government, am I to be told hat I am guilty of any act of disloyally to the Government? I would respectfully submit that only disloyalty o the Constitution should be mentiond here and not disloyalty or disaffecion towards the Government establishd by law. I would submit that the ontinuance or retention of this clause in consistent with the very concept democracy on which our Constituion is based.

Coming to clauses 11 and 12, I would ubmit that they admit the scope of ual citizenship. It makes provision or conferring the citizenship rights India on citizens of other countries. aving had the benefit of the status of itizenship conferred upon them, it is pen for these people to toy with the ery concept of citizenship. I believe e citizenship of any country must be eated with a sense of pride and sancty and it ought not to be toyed with cording to the whims and fancies of e individual.

Shri Kamath: Is the Deputy Minister tening to the debate or engaged in mething else?

Mr. Deputy-Speaker: The hon. Deputy inister can have his eyes closed d ears open. If the Ministry is not presented here, then of course hon. embers have the right to point it out. ut when the Deputy Minister sits here, l attention or 50 per cent. attention. hat shall I say? He is not negotiating th the hon. Member for any marrie purposes. They are only talking out this Bill and how to improve it.

Shri S. V. L. Narasimham: I hope at the hon. Minister for Home Affairs d the Joint Committee will scrutinise Bill and see that it is radically amended, so as to retain our concept of democracy and independence of India itself.

Shri U. M. Trivedi: I do not wish to take much of the time of the House on this Bill......

Mr. Deputy-Speaker: The hon. Member is a lawyer and I hope the will not repeat whatever has been said before.

Shri U. M. Trivedi: I do not repeat anything; but what I feel about this law is that we have been very kind towards others at our own cost. We were living for a long time in Burma. Actually it should be said to our credit or discredit that we conquered Burma for the British; and we shed our blood, our money and energy in Burma and we made Burma what it was or what it is today. Yet, everyone in this world is as selfish as possible, except perhaps Indians, as we are. Ceylon is selfish; it wants to drive us out. Burma is selfish; it has driven us or it is trying to drive us out even today. The citizenship laws of Burma make it compulsory for persons of Indian origin who want to remain in Burma to renounce Indian citizenship.

It is only if we accept the Burmese citizenship that we are allowed to remain there, carry on trade, etc., with this further rider added that persons of Indian origin who have once renounced Indian citizenship are not allowed to send moneys to India. Even if they are allowed, there are very great difficulties. Now in this Indian citizenship Bill that is before us, there is one very peculiar thing which strikes me. In clause 8 it is provided:

> "If any citizen of India of full age and capacity, who is also a citizen or national of another country makes in the prescribed manner a declaration renouncing his Indian citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:"

An Indian citizen renounces his citizenship under certain circums-

[Shri U. M. Trivedi]

tances, for the sake of his remaining in that particular country where he has got his means of livelihood. His attachment to the country of his original is not gone. *Animus revertendi* as we call in international law, the desire to come back to his country exists in his mind. Till these conditions are there, we cannot lay down this principle in clause 10:

> "A citizen of India who is such by registration or by naturalisation or by virtue only of clause (c) of article 5 of the Constitution shall cease to be a citizen of India if he is deprived of that citizenship by an order of the Central Government under this section."

The point is that such a person who has been so deprived of his citizenship or so renounced his citizenship shall not become a citizen of India without the order of the Central Government. That is to say, our own man, a citizen of India, who, by force of circumstances, has changed or renounced his citizenship, and has got a desire to come back to India or comes back actually to India, will not be easily admitted to citizenship. Whereas other countries would be most willing to take back their citizens on the slightest of grounds, or immediately on their declaration that they want to become citizens. This handicap is being put on our own men, when we are suffering in Burma, in Malaya and in Ceylon. I do not know, I have not studied the law so far as Africa is concerned, how it is there. Probably, the conditions there in Africa must be equally stringent about Indians. In these circumstances, it behoves us to say that if by force of circumstances or on account of certain coercive measures of a foreign Government they have to renounce their own citizenship, they will be entitled to get back into their country and will have their citizenship restored to them on their merely making a declaration that they no longer belonged to the other country. There should not be any embargo upon their becoming the citizens of India as such.

The next point that I wish to take up is this. This law provides that the Government may refuse to register or grant a certificate to any person who wants to become a registered citizen of India or a naturalised citizen of India without assigning any reason.

Mr. Deputy-Speaker: Is it anywhere said in this Bill that once a man renounces his citizenship and acquires another citizenship if he comes back after some time, he cannot give up that citizenship and acquire Indian citizenship?

Shri U. M. Trivedi: In clause 10, which says:

> "......cease to be a citizen of India if he is deprived of that citizenship by an order of the Central Government under this section."

Mr. Deputy-Speaker: It is not said that he cannot once again acquire it. It only applies only to citizenship acquired by naturalisation.

Shri U. M. Trivedi: I am sorry I gave a wrong impression. I refer to clause 5(3), which says:

> "(3) No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government."

Mr. Deputy-Speaker: Burma is not the only country in the world where there are Indians. It may be an enemy country; he might have renounced and joined the enemy and subsequently, he wants to come back. Therefore, power is reserved.

Shri U. M. Trivedi: In the case of other foreigners, we are going to accept him on his making an application or a declaration to be a citizen of India. Why put an embargo on a person who belongs to Indian origin, and has by force of circumstances only renounced his citizenship? There are so many government servants in Burma who have gone to Burma, who have got stuck up there, whose pensions have not yet been sanctioned and for this purpose they have got to renounce Indian citizenship. They want to come back; they want to become Indian citizens.

Mr. Deputy-Speaker: Automatically it would not apply; the Central Government has got the power.

Shri U. M. Trivedi: The Central Government has the power. That power, again, is controlled by the rules framed under clause 14 which says:

> "The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under section 5 or section 6 and shall not be required to assign any reasons for such grant or refusal."

As some of my hon. friends who spoke before me pointed out, this is a power which is naturally vested in the executive Government and that will be of an arbitrary nature. Government is so much afraid and it is provided here that any such order shall not be questioned in a court of law. In other words, they do not want to place all the facts that are there that might have led them to come to a particular decision before a court of law. Of course, fortunately too, our Constitution provides article 226 which is an overriding provision and it is not controlled by this provision or that, and the remedy of a writ of *certiorari* or a writ of *mandamus* would lie against such an oder if made in an arbitrary manner. That would, however, be a very lengthy procedure for any person who is so much handicapped on account of these provisions. There is no provision that proper reasons must be assigned or an enquiry must be made or that a judicial pronouncement must be made or that a judicial tribunal will determine whether or not a man is entitled to get his Indian citizenship. What I say is this. It is a serious matter because this embargo is placed only in the case of people who are originally of Indian origin. It is always to the interest of any country to take back their citizens. I do not believe, certainly nobody believes, in colonialism now-a-days. Even if one believes, I do not think there is any force behind it. Force of circumstances have pushed out Indians from Indian shores to various places in the world. They have gone as far as Korea; they have gone to the southernmost parts of South America. Though they have gone there, their desire is great to come back to India. Perhaps this desire is greater the moment you go outside India. Those of us who have lived outside India, know the urge that we had to come back to India. Perhaps a person who has lived for years outside the country feels the urge to come back greater than the people who are living here. The urge is so great that even after two generations, people want to come back to the motherland. All your children are born there, probably your father was also born there. Under these circumstances when you want to come back, after having renounced Indian citizenship, you will be handicapped by a provision of this kind. So, a provision must be made in respect of those people of Indian origin who want to come to this country. I am not talking merely of East Pakistan or anything of that kind. I keep that problem away. This may arise in a bigger way about East Pakistan also. In view of the fact that Government appears to be adamant in this respect and does not want to constitute a committee of a judicial nature—it has kept the powers to itself and does not want to give the powers to any judicial tribunal for this purpose—it is all the more necessary that the law should be so moulded that some specific reasons must be assigned for not accepting a man of Indian origin to come back into India and get himself the citizenship rights of an Indian. I therefore submit that a

[Shri U. M. Trivedi]

change must be made in clauses 5 and 10.

There is another thing. A man cannot have two nationalities simultaneously. We also do not recognise the principle of dual citizenship. So, I cannot exactly understand the provision:

> "If any citizen of India of full age and capacity, who is also a citizen or national of another country......"

I do not quite follow what is meant by this. The moment a man declares himself not to be a citizen of India and a citizen of some other country, he ceases to be a citizen of India and becomes a citizen of the other country to which he owes loyalty or has declared his allegiance. Under the circumstances, the law must be specific on this point that the moment a man makes a declaration renouncing his nationality or citizenship of India, from that moment he shall cease to be a citizen of India. Whether he acquires another citizenship or not is a different question for us. It is not the lookout of anybody that he should always owe allegiance to some country or another.

In this law there is no penal provision, although a clause is there for cancellation of registration if anybody by misrepresentation or by fraud gets himself declared to be a citizen of India or makes any declaration to get himself naturalised or registered in India. But I say such people sometimes are capable of creating mischief. The moment a man gets himself declared a citizen of India, he will have the right of a voter in India. He will come and get himself enrolled as a voter in India from East Pakistan or West Pakistan. The number may be swelled and a wrong thing may happen at the time of elections.

Mr. Deputy-Speaker: Under this Act would it be possible for an Englishman to become a citizen and stand for any of the Assembly seats?

Shri U. M. Trivedi: He can, once become a citizen of India. Nobody can deny a citizen the right of becoming a Member of the Legislative Assembly. Apart from that question, this at least will be admitted immediately, that as soon as he becomes a citizen of India, he is entitled to be a voter. No one can deny him the right once he becomes a citizen. If after he becomes a citizen and exercises his vote it is found that he has played fraud or misrepresented or done anything like that —those are the grounds for concellation of citizenship—it shall not be enough to cancel his citizenship. There must be further provision in this Act itself that such a person who has acted in such a manner must be penalised.

Pandit Thakur Das Bhargava: There is a provision for six months imprisonment in clause 16.

Shri Datar: Will the hon. Member see Clause 16?

Shri U. M. Trivedi: Yes, Sir. It is there. I wanted to go a little further. Not only must there be this penal provision of providing him with six months imprisonment. We must have a provision of driving him out. Where are we to keep him? Are we to feed a foreigner for six months? Why should we feed him? Where is the provision for deporting him? Once we find that a man who is not a citizen of India enters the shores of India and gets himself enrolled like this, then where is the provision for putting him out and sending him away?

Mr. Deputy-Speaker: Is there not the Foreigners Act?

Shri U. M. Trivedi: He is stateless. He has no State. Where will you send him? This is the whole problem.

Shri S. S. More: To his original State.

Shri U. M. Trivedi: Where is that provision. That is what I say. That provision must be made.

Mr. Deputy-Speaker: There is the international law.

Shri U. M. Trivedi: Unless we throw him in the Arabian Sea or the Bay of Bengal.

Shri S. S. More: Then you will be committing murder.

Shri U. M. Trivedi: So, a provision must be made in the Citizenship Act itself that a man who has done such an act must not only be imprisoned. I do not believe in this imprisonment business because it means he will be able to enjoy at our cost. It is no use keeping a man here. I would say that provision must be made that he should be removed from India and deported.

Shri Veeraswamy: At the outset of my speech I want to answer my hon. friend Shri S. V. Ramaswamy who spoke at great length............

An Hon. Member: He is not there.

Shri Veeraswamy: He spoke about the decision of the Dravadian Federa-tion to burn the National Flag on 1st August.

Mr. Deputy-Speaker: How are we concerned with it?

Shri U. M. Trivedi: Is it relevant?

Mr. Deputy-Speaker: Absolutely not relevant. How are we concerned with hat?

Shri Veeraswamy: Yes, Sir. But I want to answer him.

Mr. Deputy-Speaker: Whoever might have said anything here, that statement will be irrelevant, a reply will be more rrelevant.

Shri Veeraswamy: I want to remove he misunderstanding existing in the ninds of certain hon. Member......

Mr. Deputy-Speaker: This is not a learing house of doubts. All hon. fembers must confine themselves trictly to the subject matter on hand.

Shri Veeraswamy: I do obey.

Mr. Deputy-Speaker: Therefore no flag.

Shri Veeraswamy: But it is my duty to answer the points raised by Shri S. V. Ramaswamy.

Mr. Deputy-Speaker: Therefore no citizen of India? We are concerned with citizenship, its acquisition, renunciation, termination etc. Now, how does the flag, an inanimate thing, come here?

Shri Veeraswamy: Several Members went out of the way.

Mr. Deputy-Speaker: If they went out of the way, hon. Member will keep to the way.

Shri Veeraswamy: All that I want to say is that what Shri Ramaswamy said was uncalled for and irrelevant to the context of this Bill.

Mr. Deputy-Speaker: Let us proceed to the subject.

Shri Veeraswamy: I confine my attention to the relevant points on which I want to speak in regard to this Bill.

I am very glad that we the citizens of India are also becoming citizens of the Commonwealth countries. When the whole world is thinking of evolving itself into one unit, it is relevant in every respect that we are becoming wider citizens, but at the same time we must also consider our position in the Commonwealth. We are a member of the Commonwealth and we are extending our citizenship to the citizens of other countries of the Commonwealth, *i.e.*, the United Kingdom, Australia, Canada, the Union of South Africa, Southern Rhodesia, Ceylon and Pakistan. When we are extending our citizenship to them and when we are becoming formal citizens of these Commonwealth countries, there must be, I suggest, very close relationship and affinity between these countries. If there is no close relationship and no understanding, what is the use of our being formal citizens of these Com-

[Shri Veeraswamy]

monwealth countries. Everyone knows in this House how Indians in Ceylon who constitute about 10 lakhs have been suffering.

5 P.M.

Shri N. R. Muniswamy (Wandiwash): We will continue tomorrow, Sir.

Mr. Deputy-Speaker: The hon. Member will continue tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday the 9th August, 1955.